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UNIVERSITY DEBATERS' ANNUAL

1920-1921

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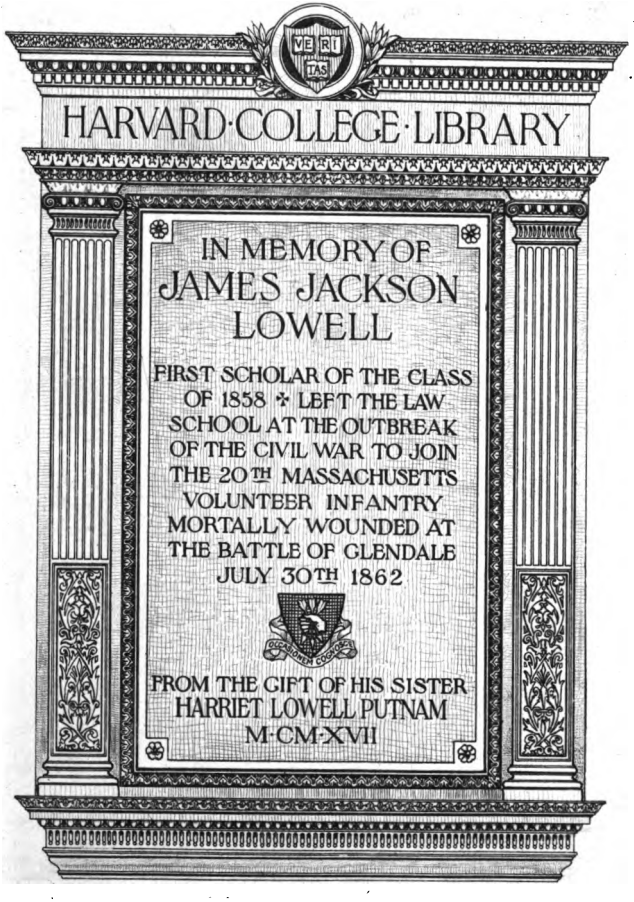

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- Kansas Court of Industrial Relations.
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- Government Ownership and Operation of Coal Mines.
- Representation of Labor in the Management of Industry.
- Independence for Ireland.

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UNIVERSITY DEBATERS' ANNUAL

Constructive and Rebuttal Speeches Delivered in Debates of American Colleges and Universities during the College Year, 1920-1921

Edited by

EDITH M. PHELPS

NEW YORK
THE H. W. WILSON COMPANY
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PREFACE

Eight intercollegiate debates are reported in this annual volume, representing ten colleges and universities, large and small, from all sections of the country.

In accordance with the usual practice of selecting debates for these annuals, the choice has been made of debates that are not only representative of the intercollegiate debating activities of the year, but that discuss questions sure to be of interest to debaters for the coming year. This volume will be a helpful source of specimen material for the student of debating, and will be useful also in securing arguments and reference material on the subjects discussed.

Four of these chapters are reports of the debates as they actually took place and four report the speeches of both teams of one college, the time and place of delivery of each being given. Each debate or set of arguments is accompanied by briefs and selected bibliography. Except where credit is otherwise given in the introductory notes, briefs and bibliographies have been prepared by the editor of this volume. Grateful acknowledgment is made to all who have assisted in securing the needed material from the debating teams represented.

September 1, 1921. EDITH M. PHELPS

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CHAPTER I

THE OPEN SHOP

HARVARD UNIVERSITY

versus

PRINCETON UNIVERSITY

RESOLVED: *That employers should abandon the principle of the open shop.*

This is a stenographic report of the Harvard-Princeton debate held as part of the Thirteenth Harvard-Yale-Princeton Triangular Debate, on March 18,1921. The debate was won by Harvard, the Affirmative defeating the Princeton Negative at Alexander Hall, Princeton, N. J., and the Negative overcoming the Yale Affirmative at Sanders Theatre, Cambridge. This was the thirty-first debate with Yale, Harvard winning 21 and Yale 10; and the twenty-seventh with Princeton, of which Harvard has won 15 and Princeton 12. The results of the debates indicated that upon the merits of the question itself the open shop should not be abandoned, for in the four debates held on March 18th, (Princeton was also debating New York Univ.), the Negative was victorious in three, the Harvard Affirmative being the only one to win on the affirmative side of the question. This report was secured thru the courtesy of Mr. Clyde Wm. Phelps, Vice-President of the University Debating Council of Harvard University.

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BRIEF

THE OPEN SHOP

AFFIRMATIVE

INTRODUCTION:

A. According to the definition of the question the open shop is one wherein union and non-union men work side by side, where collective bargaining is recognized but where the trade union is not recognized.

1. The principle of the open shop is therefore the denial of trade unionism.

The open shop should be abandoned, for

I. The trade union is indispensable to the working man.

A. It is the only means whereby he can secure effective collective bargaining.

1. No other agency can be substituted that will guarantee equal bargaining power.

a. The shop committee system will not guarantee it.

(1) In many cases employers control or influence the elections of the committeemen.

(2) The functions of these committees are often limited to non-vital matters.

(3) Control of the committees is often in the hands of the employer.

2. Even under ideal conditions open shop collective bargaining is doomed to failure because of inherent defects.

a. The workingman cannot plead his case strongly with no outside force to aid him morally or financially.

b. The workmen are deprived of expert advice which the union could give them.

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c. The effectiveness of collective bargaining depends upon equality.

B. Experience shows that the union is necessary to effective collective bargaining.

1. The unionizing of the clothing industry has raised it from a "sweat-shop" trade to an industry where conditions and wages compare favorably with any industry in the United States.

2. In the steel industry where the union was crushed, there is still the 12-hour day, the 7-day week, and wages 5 to 25 per cent less than the government's estimate for an American standard of living.

II. The abandonment of the open shop principle will result in increased efficiency of labor.

A. The defects of unionism are neither inherent nor insuperable.

1. Many of the disadvantages are already disappearing.

a. Restrictions on the use of machinery.

b. Restrictions on membership, thru exorbitant initiation fees or long apprenticeship requirements.

2. Limitation of output is a habit not limited to union workmen but wide as industry itself.

a. It is ascribed to unions only because in some cases unions have written these practices in rules.

b. These rules are the workers' reply to the employers, practices of speeding up work and lowering piece-rates.

B. Labor's best efforts can be secured only by removing grievances—not by adding to them.

1. To get increased efficiency grievances must be removed by giving the workers a voice in determining the conditions under which they work, i.e., by recognition of the unions.

III. The open shop is prejudicial to public welfare.

A. Open shop warfare is rapidly becoming more dangerous.

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1. The unions are becoming more powerful all the time.
2. They cannot be eliminated until economic equality is attained which will come only when the unions are recognized.
2. Strikes are growing stronger and more frequent the longer recognition is delayed.
4. The open shop is the cause—not the cure—for strikes.

B. The abandonment of the open shop means fewer strikes.

1. It removes the cause for strikes by recognizing the unions—for which recognition most strikes are called.
2. The consequent growth in power and responsibility of labor unions will insure industrial peace.
   a. The growth of the American Federation of Labor is proof of this statement.
3. It makes arbitration possible.
   a. Labor is willing to arbitrate if given the chance.
   b. The charters of many labor unions provide for arbitration before every strike or lock-out if the union is recognized.

Negative

Introduction:

A. According to the definition agreed upon if the employer abandons the open shop he must accept the principle of recognition of trade unions.

I. The recognition of trade unions is incompatible with the accepted functions of those unions, and will lead to an ultimate domination of industry.

A. Such recognition would bestow additional power upon an organization which has perverted largely the power it already has.

1. This has been the case where recognition has been given.

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a. In Great Britain under a system of universal recognition of the unions, their original functions have been perverted into a machine for controlling the industries of Great Britain.

b. This monopoly has been used in the interests of a vast political organization, the British Labor Party.

2. Even in America the union has become not merely a device for performing certain benevolent functions but an extensive political device with a definite political platform and definite political aims.

3. The plea for recognition of the unions is not a plea for labor as such, but is part and parcel of a movement for class control, which will attain its ends of political and industrial domination, by recognition.

II. Trade unions, in the light of existing evils and future tendencies, do not merit the power and prestige implied in the term recognition.

A. They already exercise a dictatorial power over the destiny of the working man that no organization has any right to exercise in this country.

B. They limit production deliberately.

C. They enforce demands for higher wages at the expense of the public.

D. They have shown a marked disregard of the public welfare.

1. By sympathetic strikes.

2. By the jurisdictional strike.

E. They tend to monopolistic control and to abuse of power.

1. Vide the recent exposé of the building trades in New York City.

III. The results of recognition of the unions by abandonment of the open shop would be disastrous.

A. Trade unions stir up class war and hostility.

B. They have become a selfish restrictive monopoly by a small class of workers reaching out for political power.

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1. These monopolistic and selfish tendencies are not exceptional but are the economic basis of the unions.

C. They do not protect the great mass of the workers but, in fact, discriminate against the unskilled and unorganized workers.

D. The policies of the unions are controlled by 1 per cent of the membership.

E. The unions have carried their demands to the extent of actually defying the law.

F. They would fasten these practices on the country once and for all by the adoption of the closed shop.

1. The unions are fighting for recognition only that they may enforce a closed shop—wherein every man must have a union card.

IV. There is a remedy for the industrial evils that exist—the representation of labor in the management of industry.

A. Labor unions are opposed to this because it would prevent the class hostility stimulated by the unions.

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THE OPEN SHOP

HARVARD UNIVERSITY

versus

PRINCETON UNIVERSITY

Chairman

President Hibben of Princeton

Judges

Hamilton Holt, Editor of *Independent;* George McAneny, formerly on staff of *New York Times;* Herbert E. Mills, Professor of Economics at Vassar College.

PRESIDENT HIBBEN: "We are pleased to welcome Harvard men again as our guests here this evening. The question for debate is phrased, 'Resolved: That employers should abandon the principle of the open shop.' The definition of an open shop according to the program is 'a shop in which a union is not recognized.'

"The speakers will be allowed twelve minutes for their constructive speeches and six minutes for the rebuttals, a warning being given in each case two minutes before time is called.

"Mr. Paul Richard Harmel, of Cleveland, Ohio, will open the case for Harvard."

FIRST AFFIRMATIVE

Paul Richard Harmel, Harvard

MR. CHAIRMAN, LADIES AND GENTLEMEN: What do we understand by the principle of the open shop? According to the definition of the question, the open shop is one wherein union and non-union men work side by side, where collective bargaining is recognized, but where the trade union is not

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recognized. Thus, by very definition, the principle of the open shop is the denial of trade unionism, and it is the first contention of the Affirmative that the trade union is indispensable to the workingman, and that, therefore, the open shop which does not recognize the existence of the trade union should be abandoned.

The trade union is vitally necessary to the workingman because it is the only means by which he can secure effective collective bargaining; and the open shop can substitute no other organization for the trade union that can guarantee the very first essential of the worker's welfare—equal bargaining power.

There operates in industry today, to a certain limited extent, a benevolent open shop policy which provides for collective bargaining by the so-called shop committee system. These shop committees consist of employees of the industry chosen by their fellow workers. They meet with men representing the employer in joint committees, and these joint committees do the bargaining. Let me point out to you a few of the defects in these ideal open shop collective bargaining schemes that render the bargaining power of the employees ineffective.

In many cases the employers control or influence the elections of the committeemen. "This was clearly evidenced," says Paul H. Russell of the University of Chicago in the Journal of Political Economy for February 1921, "in several steel mills in the winter of 1919 when the companies concerned kept all union men off the committees fearing their action in behalf of unionism." Secondly, the function of many of these shop committees is limited to non-vital matters. Many are nothing more than grievance committees or welfare bodies with no power to negotiate a general wage scale. For example, the Youngstown Sheet and Tube Company specifies that "the right to hire and discharge and lay off men for lack of work or other legitimate reasons is vested exclusively in the management." Thus the workers have absolutely no protection on the matters which concern them most.

Frequently the control of the joint committees is in the hands of the employer. Thus in the model San Francisco Yards the representative of the employer has one more vote on the joint committee board than do the workers. Consequently the employer is able to nullify any proposal advanced by the workers. Again, "In the majority of cases," says Mr. Russell, "the decision of the

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joint committee is subject to the approval of the chief executive and cannot become effective until such approval is stamped by the employer or manager." In many instances there are qualifications for voting and for holding office which usually debar a large number of employees, making the shop committee not truly representative. Many of these companies require citizenship papers as a requisite for voting thus disqualifying many foreign workers and depriving them of any voice in the industry. Finally, we find that shop committeemen are frequently prevented from pleading their case strongly because of their natural fear of being discharged or discriminated against. Ladies and Gentlemen, these are a few of the limitations prevailing in our model open shops; restrictions that render the supposed equal bargaining power of the employees in these benevolent institutions practically valueless. The success of such collective bargaining therefore is not dependent upon equality but solely upon the whim, the magnimity, or the wisdom of the employer. Collective bargaining becomes in reality nothing more or less than collective begging.

Now, Ladies and Gentlemen, I am going to ask you to stretch your imaginations to a point of conceiving a condition of industry in which every employer is scrupulously conscientious of his workers' welfare. Here in this Utopia, the shop committee system is at its best. All of the blemishes which I have described to you will have vanished under the paternal diligence of the employers. And yet we find that even under such ideal conditions the open shop collective bargaining scheme is doomed to failure because of inherent defects.

Even here it is questionable whether the subconscious fear of the workingman to put forward his case strongly, when he feels there are no forces outside of his shop to assist financially or morally, would be completely eradicated. Secondly, the workmen are deprived of expert advice which the unions only can furnish them. The modern wage contract needs a great deal of skill in negotiating. The employers employ skilled experts; the workers are deprived of this privilege. They must bargain themselves, and it is seldom indeed that men who work with their hands all day are capable of driving as good a bargain as the skilled and shrewd negotiator. Judge Gary, leader of the Steel Industry, a typical open shop industry, has said that he will deal

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with no one outside his employees, but that he will meet any of his workers "man to man." Imagine a furnace tender in Judge Gary's steel mill meeting him on an intellectual basis, man to man, and bargaining with him! Thirdly, the effectiveness of collective bargaining depends upon equality. The National Industrial Conference of 1915 said in its report in article seven under Wages:- "The success and justice of joint agreements and collective bargaining are dependent upon essential equality between the two parties, and cannot be obtained unless effective organization exists." Perhaps the gentlemen of the Negative can tell us where this equality of organization exists in the open shop. On the one hand the employer is supported not only by his own resources, but by the enormous financial and moral support of the powerful national employers' and merchants' associations and chambers of commerce. On the other hand there is the small isolated group of workers relying upon its own limited resources, deprived of the only organization that can balance the power of the employer, the trade union—deprived of the moral and financial support of fellow workers.

Now we have seen how inequality of bargaining power condemns the open shop policy under ideal conditions, and we have discussed its blemishes and its failure in the smaller, model institutions where it has been applied by the so-called benevolent employers. Now let us turn to two of the largest industries in this country, and compare union and open shop conditions. I refer you to the clothing trades and the steel industry.

Today the clothing industry is largely in a state of union organization, and its conditions and wages compare favorably with any industry in the United States, but before the union was recognized in this nation wide industry open shop conditions prevailed. What were these conditions? There is only one word that can adequately describe the open shop in the clothing trades, and that is "sweat-shop." Charity and legislation were invoked again without noticeable effect. In the words of a social worker, "For these unfortunate city children there seemed to be no hope." But the unexpected occurred. In 1910 came a great strike for the recognition of the union. The strike was won after a bitter struggle, and so after charity and legislation had failed, the union lifted the clothing industry out of the sweat-shop conditions to a position of preeminence in regard to the welfare of its workers.

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But the steel workers have fared worse than their brothers in the clothing trades. In 1900 they too worked under deplorable conditions; they too struck, but were crushed, and the steel industry has remained open shop, with the shop committee system of collective bargaining prevailing. What are the conditions in that industry today? According to S. Adele Shaw in the Survey of August 1920, "More than 52 per cent of the workers in the steel industry work a 12-hour day; about half of these work the 7-day week. The average steel week in 1919 was 2.4 hours longer than in 1914, and 1.1 hours longer than in 1910. In return for these hours the steel and iron workers earn from 5 to 25 per cent less than the government's estimate for an American standard of living." Twelve hours a day, 7 days a week, and wages that do not suffice for an American standard of living! This is the steel industry in America; this is the classic example of the open shop!

Because the union is indispensable to the working class since it is the only organization which guarantees the worker effective collective bargaining; because the open shop, even under the most ideal conditions will not insure this first essential to the laboring man; because the open shop was the sweat-shop of the clothing industry until the union was recognized, and means deplorable conditions in our greatest industry, the steel industry, we ask for its abandonment.

FIRST NEGATIVE

Saul Makrauer, Princeton

LADIES AND GENTLEMEN: We of the Negative wish to make clear our proposition at the outset. The question under discussion this evening is, Resolved: That the employers of the United States should abandon the principle of the open shop, the open shop being expressly defined by agreement as one wherein the trade union is not recognized. It must necessarily follow from this proposition that, if the employer abandons the principle of the open shop, thereby abandoning the principle of non-recognition of trade unions, he must accept the principle of recognition of trade unions. The question then becomes, Resolved: That the employers of the United States should recognize trade unions. This is the proposition which the Affirmative is advocating, and the one which we oppose.

As first speaker for the Negative, it shall be my purpose to

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show you that the fundamental proposal which the Affirmative making to you, that is, the recognition of trade unions, is incompatible with the accepted functions of those unions, and will lead to an ultimate domination of industry. The second speaker will prove to you that trade unions, on the basis of their existing evils and future tendencies, do not merit the power and the prestige implied in the term recognition. The third speaker will submit to you the logical result and final consequence of, and attendant upon, such recognition.

Just what is the significance of the demand which the Affirmative makes that the trade unions be recognized? Is it necessary that it be granted if trade unions are to continue their existence, as the first speaker for the Affirmative would have you believe, or is it a veiled plea put in mild terms to increase the already monopolistic tendencies of these organizations? You must soon realize that the latter is the case. The Negative understands recognition to mean that the employer in every industry agrees to bargain collectively with his employees exclusively thru the representatives of the trade unions of which those employees are the members. Under no circumstances is the right to bargain collectively resident in the employees themselves, but rather the unions shall become the arbiters in industrial affairs. We should accordingly conclude that, in the hands of the national organization of a trade union, there lies the power to determine the conditions of employment in any given establishment. This is an immense power which the Affirmative would concede to trade unionism in the United States, and we feel that in the exercise of this power, trade unions will abuse it. It is on the ground that this recognition means the bestowal of additional power upon an organization which has largely perverted the power which it now has, that the Negative stands contradictory to the Affirmative proposition.

The case for the recognition of trade unions stands already refuted by the experience of England. England today accepts that unqualified recognition of trade unions which the Affirmative is advocating in this country, and English industry at the present moment presents a picture which should cause us to deliberate before we would expand the scope of trade unionism here. Under a system of universal recognition whereby the supreme bargaining power has passed into the hands of trade union-

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ists, the original functions of English trade unions have been perverted beyond all recognition into a machine for the control of Great Britain's industries. Using the power which they have secured as a result of this extreme policy, the trade unions have surrounded industry with an iron wall of trade unionism, and, as a worker in England you cannot control the sale of the labor of your own hands unless you enter the fold of this gigantic monopoly. And what is the purpose of this monopoly? Collective bargaining as the Affirmative have maintained? No! That is its least concern. It has been used in the interests of a vast, fighting, political organization, which, under the name of the English Labor Party, seeks as its ends the control of industry. So powerful has this monopoly become, that, during the war Lloyd George personally pleaded with the trade unions to abandon their policy of recognition, which resulted in underproduction, and to speed up industry. The trade unions refused, whereat that famous compact between trade unions and the government was formed, an instrument which stands as an eternal blight upon English trade unionism. For what is the significance of that compact? It means that England had to abandon the principle of recognition to save herself from defeat! But even here the final goal of English trade unionism does not end. Under the prestige which they have secured as a result of their complete recognition, they must needs be satisfied only with complete power. In the words of Robert Smillie, one of the foremost trade unionists in England we have the ideal, "The workers of England do not yet know what they can do. When they know that the power is theirs, when they awake to the knowledge of this power, they will possess Great Britain!"

This has been the logical result of the recognition of trade unions in England. How far are the same tendencies applicable to, and inherent in, the American trade union movement? Mr. Samuel Gompers, president of the American Federation of Labor, an organization controlling over four million wage earners, in an open letter to the London Times of July 4, 1919, issued the following statement: "The hopes and aspirations of the labor movement of England and the United States are substantially the same." Here is the frank confession of the foremost trade unionist in this country, that the plea for recognition is not a plea for organized labor alone. What is the pur-

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pose of that massive organization of which he is the president, an organization which can stretch out its long arm from Washington, New York, or Pittsburgh, and prevent a man from procuring employment in Los Angeles, Chicago, or St. Paul? Is its *raison d'etre* the effective performance of benevolent functions? That organization today is very little concerned with hours and wages alone. Ladies and Gentlemen, it has developed into an extensive, potential, political device with a definite political platform, and definite political aims. It is the representation of a junto which looks upon the political organization of our country thru the eyes of organized labor, and places its issue in the election of a candidate for public office, not in his ability to protect your liberties and mine in that capacity, but in his favorable attitude toward organized labor. It stands for a class movement preaching class warfare and class hostility. It is the expression of a class conscience which has as its purpose the glorification of a class at the expense and subjection of a class—the employing class. And the plea for recognition of these organizations is not merely a plea for labor as such, but is a part and parcel of the bigger motive of a class control, which, with recognition as a means, shall attain its ends of political and industrial domination. These are the realities of the trade union movement, these are the facts behind this demand for recognition, no matter with what weasel words this intention has been disavowed in the halcyon orations and manifestos of its leaders. The policies as laid down by the foremost trade unionists themselves prove this.

Review the Declaration of the Bill of Rights issued by Mr. Gompers as spokesman for the American Federation of Labor, in which it is affirmed that the rights and liberties of trade unionists are entirely distinct and paramount to those of the American public; in which it is denied that the Supreme Court of the United States has a right to define the liberties of a trade union; in which the abolition of the injunction is advocated. Recall the words of Mr. Gompers when he says that "the trade unions have a lawful right to do as they wish, all the Van Cleaves, all the fool and vicious opponents to the contrary notwithstanding. Go to —— with your injunctions." Call to mind the words of Miss Helen Marot, for many years the leader of the trade union movement: "On the grounds of ethical

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implication and industrial peace the free American workingman and the non-union employer become fit subjects for coercion." And then, as if in pursuit of these nihilist policies recall the recent convention of the American Federation of Labor at Montreal, where, by a vote of four to one a resolution was passed advocating the nationalization of the railroads and inland waterways of the country. Review these policies and the subsequent actions of the trade unions, and you will clearly see how pertinent is the remark of Mr. Samuel Gompers that the labor movement of England and the United States are indeed substantially the same.

These facts must prove to you that the plea for the recognition of trade unions bears no relation to the wholesome exercise of the proper functions of trade unions, that behind the demand there lies a very evident motive, which, from its very magnitude, must be concealed in the form of a subterfuge, to hide the bigger issue. Our stand this evening is, that the recognition of trade unions will lead to the consummation of this domineering ideal, for, once you concede to trade unionism this prestige, it will necessarily result in a repetition of England's experience, and in a summary control of industry. The germ of the ideal has already been cultured. All that remains to behold it grow, is to supply the nutriment in the form of recognition. If you would check this germ in its incipiency, if you would let grow in its stead the fundamental landmarks of our constitution and would detract nothing that is necessary to the fair symmetry of its proportions, the policy of the Affirmative cannot be your choice.

SECOND AFFIRMATIVE

Raymond Samuel Fanning, Harvard

Mr. Chairman, Ladies and Gentlemen: The preceding speaker has devoted his entire time to two propositions, first, he has drawn a parallel between the American and British labor situations; and second, he has attacked Mr. Samuel Gompers and his associates on the ground that their aspirations lean toward a dictatorship and monopoly of labor. In a cablegram addressed to the 1919 convention of the American Federation of Labor the President of the United States has this to say about Mr. Gompers

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and his aspirations: "I cannot justly refrain when sending this message from expressing in very warm terms the appreciation felt by all who have been dealing with labor matters of the invaluable services rendered by Mr. Gompers. He has won universal confidence, and has firmly established in international circles, as well as at home, the reputation of the American Federation of Labor for sane and helpful counsel. Signed: WOODROW WILSON."

Furthermore, the Affirmative is quite willing to accept the British labor situation as an example of what America may expect if our present policies are followed. The British labor movement was born in conflict, for many years the unions were outlawed, and afterward they were fought by British employers much as American labor is being fought now. The consequence has been that British labor has learned that it must meet force with force, and has become a selfish and monopolistic movement in imitation of the employers who fought it for so long. And now, the Negative tells you, British unionism has become so selfish that in order to get increased production during the war, Mr. Lloyd George had to beg the unions to consent to open shop conditions for the duration of the war. And here is just the difference: In America we did not have to ask labor to accept the open shop to get greater production. On the contrary we find the National War Labor Board endorsing unionism as its first principle of action, and in many ways the Government encouraged union organization during the war. So far from being solely selfish and dictatorial, American labor is willing and anxious to cooperate.

The first speaker for the Affirmative has shown you that the true purpose of the open shop agitation is the destruction of unionism and its benefits to the American workingman. This purpose is not openly admitted by the employers; the ground for the movement is given as the inefficient tendencies of unions. The gentlemen of the Negative are going to use that claim as part of their case; they will tell you that unions have rules limiting membership, restricting output, and prohibiting fast work. Now, it is no part of our intention tonight to maintain that unions at the present time are perfect, that they have no defects. But we do maintain that these defects are neither inherent nor insuperable; I shall endeavor to prove first that many of the disad-

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vantages of unionism are rapidly disappearing; second, that the inefficient tendencies are not characteristics of unionism, but of all industrial labor, and third, that the way to increased efficiency of labor is thru destroying the antagonism and discontent of labor that arises from the open shop principle.

What are the inefficient tendencies of trade unions? First there is restriction on use of machinery. The introduction of machinery caused much suffering among the laboring classes, and the labor organizations of a century ago were bitterly opposed to the engines that took the bread out of their mouths. But as long ago as 1898 we find the National Convention of the American Federation of Labor making the following declaration: "From the experience of all organized crafts, it has been demonstrated that the policy of opposing the introduction of labor-saving machinery is both futile and unwise." Today there are only three national unions that have rules forbidding the use of machinery—those are the plumbers, the cigar-makers, and the window-glass makers. So this inefficient tendency is rapidly becoming of no importance.

The second restriction is that on membership, thru exorbitant initiation fees or long apprenticeship requirements. Half a century ago the sole foundation of union organization was an acquired skill; that was their stock in trade. But with the increased use of machinery, the division of labor, and the specialization of operations that modern methods have brought, this practice also is losing its importance. Professor Adams, of Yale University, investigated ninety national unions, and he found that nearly two-thirds of them had as their only restriction on membership the ability to do good work. Professor Groat, of the University of Vermont, says in his book on Trade Unionism, "Just now a far-reaching change is being made. The more aristocratic trade union, with its membership of highly skilled artisans, is losing its influence in the wider field. Many of them have altered the conditions of membership." And as proof of the tendency away from limitation of membership he cites an increase in union membership of 300 per cent among unskilled workers, compared with a 50 per cent increase among the skilled. So we find that restriction of membership, like the opposition to machinery, is rapidly becoming unimportant, and that we are approaching the modern open union, a union freely open to all who need its advantages.

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The third defect of unionism is limitation of output. Certain rules that are found in the laws of a few trade unions placing restrictions on speed of work, have been given wide publicity. Let us look into the facts of restriction of output, and seek its causes.

Conscious inefficiency of labor, slacking, soldiering on the job, is a habit as wide as industry itself; it is older by many centuries than trade unionism; it is found among ignorant negro workmen of the South who never heard of unionism; it is found among unorganized workers of all kinds and conditions. The only reason it is ascribed particularly to trade unions is that the unions have in a few cases written down these practices in rules; the practice itself is a characteristic, not of trade unions, but of industrial labor as a whole. Professor Commons tells of a huge "trust" which succeeded long ago in driving organized labor out of its shops, but which finds now in its open shop, "an inexplicable arrangement that prevents any man from earning more than a certain amount of money at piece-rates." So, since this inefficiency of labor is not a result of unionism, then it can never be cured by the abolition of unions.

Let us now look into its causes; and let us take for our authorities the three most widely recognized writers on trade union questions. Professor Hoxie, of the University of Chicago, explains union restriction on output by saying: "In the case of day work the accomplishment of the strongest and the swiftest is the goal which is set for all, if wages are not to be lowered; while in piece work the wage rate tends to be lowered. The increased efficiency and output of the few tend to mean less wages for all. All this has taught the unions that if they wish to prevent wage reductions they must all try to work at the same pace."

Professor George G. Groat, of the University of Vermont, says "Evidence seems clear that agreements or rules to regulate output are but the workmen's reply to the modern tendency of speeding. They object to being pushed to a point of exhaustion or a pace that means a premature old age." And the man who is the greatest authority of all on unionism, Professor Commons, tells us that "This grievance of premature old age arises from every industry conducted on modern principles. May it not be that some future generation will look back with gratitude on the heresy that justifies restriction of output."

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Ladies and Gentlemen, it all comes back to this, that no man will or can do his best work for an employer against whom he has a grievance, and labor has the dual grievance of unhealthy speeding of work, and punishment for fast work by reduction of piece-rates. But we need labor's best efforts; we must have increased efficiency of production. Is the way to get it thru increasing the antagonism, thru giving the workers still other grievances by suppressing their unions? It is the antagonism, the grievances, that cause inefficiency. And to get increased efficiency we must remove these causes by giving the workers a voice in the conditions under which they work. Democracy in industry—is a principle endorsed by every industrial engineer, every writer on labor, even the United States Chamber of Commerce itself. And democracy in industry is the aim and end of all trade union organization.

Ladies and Gentlemen, the need for increased efficiency of production is beyond question; that the solution of this need lies in democratization of industry is almost universally recognized. But the first speaker for the Affirmative has shown you that this democracy is impossible without equality, and that equality is impossible when the workers of a single isolated shop are forced to deal with employers who have behind them all the power and force of nation-wide organization. Therefore, since increased democracy is the only way to increased efficiency, since democracy is impossible under the open shop, we hold that the way to increased efficiency of labor lies in the abandonment of the open shop principle.

SECOND NEGATIVE

Robert H. Scholl, Princeton

Mr. Chairman, Ladies and Gentlemen: In continuing the case of the Negative against recognition of the trade union we maintain that because of their past record, because of their expressed aims, and present tendencies, the trade unions should not be recognized.

You have heard from our first speaker what recognition of trade unions has meant to England. But perhaps you feel that England is far away, that her problems are different from ours, Perhaps the example of England does not bring home to you

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the menace of trade unionism. Therefore, in considering the record of the trade unions in this country, let us begin right here, at home. Possibly we shall find some things in our own front yard that we never suspected to be there.

I have here a copy of the by-laws of the Princeton local of the Carpenter's Union. Section nine reads: "No boss carpenter shall have more than one apprentice to five journeymen in his employ. All apprentices must sign an agreement to serve their full time of three years with their first employer, unless released by said employer." Section twelve reads: "No person shall be permitted to learn the carpenter trade after 22 years of age."

These regulations seem almost ludicrous. But, Ladies and Gentlemen, when the point is reached where an organization can tell a man when, where, and for how long he can and must work; when that point is reached—and it has been reached right here today—then the trade unions are already exercising a dictatorial power over the destiny of the workingman that no organization has any right to exercise in this country.

Now let us look at conditions a little farther from home. I quote from the by-laws of the Chicago Carpenter's Union: "Any member guilty of excessive work or rushing on any job shall be reported and shall be subject to a fine of $5.00." (Laughter) That *is* rather humorous. Who shall say whether a man has done "excessive work"? Who shall say when a man is "rushing"? None but the union or the union official could answer that question. But what we do know—what we can't help seeing—is the purpose of such a rule—to keep a man from working to the full measure of his ability—to cut down production.

The unions themselves make no secret of this purpose. The business agent of the Buffalo Plumbers' Union says in the "Buffalo Commercial" of January the fourth last: "The union steam fitters in the past have been compelled to limit their output to not to exceed ¼ or ⅓ of their otherwise natural ability."

From the standpoint of the organized worker, it may be very nice to do a third of a day's work and draw a full day's pay for it—but someone must pay—and it is you and I and the unorganized worker who pay for the selfishness of the organized worker.

We all know that the unions have as one of their chief aims

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the raising of wages. Economists are agreed that there is only one method of raising wages other than at the expense of society and that is through increased production. No one could have any objection to this method, but the unions as we have just seen, decreased production. Whence, then, come the wage increases which they obtain through economic pressure? From the pockets of the public. Why? The majority of American employers are legitimate business men. I think we will agree on that. That is to say, they are making only the legitimate profit which they must continue to make if they are to survive in business. Suppose the union is strong enough to force its demands for higher wages. The economic condition of the employer is not changed—he must relieve the pressure upon him in some way. He has but one recourse and that is to the public through increased prices. In the last analysis then, it is always the public that pays.

Now not only do trade unions deny opportunity to the workingman, limit production, and place a burden of expense upon the public but we find that they have also shown a marked disregard for public welfare.

You are probably familiar with instances of the sympathetic strike such as occurred a few years ago in Chicago. The janitors of the apartment houses went out on strike. Immediately the milk-wagon drivers and the grocery-wagon drivers were called out on a sympathetic strike and refused to deliver milk and goceries to the apartment houses. The janitors may have had a just grievance—the drivers certainly had none. But the business of the milk and grocery companies was put at a standstill; the people of Chicago were put to great inconvenience and privation by the cutting off of their food and milk supplies—and why? For any conceivably legitimate reason? No! Simply because the apartment house janitors were on strike and were determined to force their demands regardless of the cost to the public.

Then there is that peculiar activity known as the jurisdictional strike. Of the many examples of this which have occurred in the past few years, I shall have time to mention but one. At a critical period during the war, the Army Supply Base in Brooklyn, N.Y. was being rushed to completion. The work had progressed rapidly to the point where sixty-two electric elevators were about to be installed. Now the privilege of installing electric elevators has long been a matter of dispute between the elevator construc-

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tors and the electrical workers. The two unions decided to settle the matter once and for all. A jurisdictional strike was called which tied up construction for four months—four months delay in completing the line of supplies to our men fighting in France! Why? In order to decide who in the future should install electric elevators in Brooklyn, N.Y. This is not an isolated example. I have here a whole book giving the results of an investigation by Professor N. R. Whitney of jurisdictional strikes in the building trades alone in the last few years.

The Affirmative is asking for general recognition of trade unions and it seems to us that in the many cases of this sort involving a dispute between two unions, the Affirmative must fall into a dilemma. They cannot recognize both unions and it looks as though they must inevitably "hold to one and despise the other." For our part, we cannot see which they are to hold to and which despise, in fact, the whole matter looks like "confusion worse confounded."

Another count against the unions is they tend to monopolistic control and misuse of power. The most pertinent example I could point to is the recent exposé of the building trades in New York. Certain unions became strong. They went to some employers and made an exclusive agreement with them. They then either coerced other employers into this combination to cheat the public or forced them out of business. When the field was clear of competition, prices and wages were raised to unheard-of levels. There was no check upon them, no limit to where they might have gone—and the public was forced to pay the bills. The unions had power, and they misused it. We do not say that in this particular case the employer was necessarily less to blame than the unions but what we do want to point out is this: those conditions are a constant temptation under strong unionism while without recognition of the union they are not possible.

In conclusion, Ladies and Gentlemen, the case for the Negative at this point of the debate rests upon two grounds: first, the example of England which stands as the completed picture of the program advocated by the Affirmative; and, second, the record and tendencies of trade unionism in this country today—denial of opportunity to the workingman, limitation of production, a burden of expense placed upon the public, disregard of public welfare, and monopolistic control and misuse of power.

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THIRD AFFIRMATIVE

Clyde William Phelps, Harvard

MR. CHAIRMAN, LADIES AND GENTLEMEN: The speaker has just made three points. First, he told you that the trade unions restricted production by apprenticeship rules, and by slacking on the job,—and he adds "the public pays." We admit all that. The defect in the gentleman's argument is that he has not pointed out the cause. The second speaker of the Affirmative has already shown you that restrictions of trade unions, and the lessened productivity characteristic of both union and non-union labor is caused by the driving methods and the antagonism in the open shop. We admit with the gentleman who has just spoken that the restrictions exist, we agree that the public pays, but the fundamental cause is not the trade union as such; it is the open shop warring upon the legitimate aspiration of the worker for economic equality.

Secondly, he stated that trade unions endangered the public welfare, and gave instances of sympathetic, jurisdictional, and general strikes. Again we agree with him in his analysis as far as he has proceeded, but he has not gone far enough. The basic cause of these disturbances is the refusal by the open shop of the just demand of the worker for economic equality which can only be obtained through the recognition of the union. The United States Commission on Industrial Relations making its final report in 1915 states that the restrictions on production and strikers have been due, " . . . to a situation wherein labor has at times been forced to fight with such weapons as it could command for advantages and rights that in justice should be freely accorded to wage earners."

Finally, he has contested that the abandonment of the open shop would result in a labor monopoly which would be dangerous to the American people. I wish to answer that argument, but first let me summarize the case of the Affirmative this evening.

The first speaker of the Affirmative showed you that trade unionism is absolutely necessary to the worker; that individual workers, shop committees, or anything less than recognized unions are too weak to bargain equally and effectively with the employers. Now, therefore, because the open shop makes the

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worker unequal to the employer in bargaining power, since it places him at a disadvantage when he comes to sell his labor, the only thing he has to sell, we ask for the abandonment of the open shop on a plea of justice.

The second Affirmative speaker asked for the abandonment of the open shop because it would mean more efficiency in our industry. He showed first, that those certain restrictions which were characteristic of trade unions of the past have practically all disappeared, or are rapidly being abandoned due to the education of the worker. In the second place, he pointed out that those other restrictions,—slacking on the job and lessened production, which are practised by all workmen, union or non-union, are the direct result of the driving methods and the antagonism of the open shop. Therefore we argue for the abandonment of this open shop that we may substitute for the antagonism a spirit of friendly co-operation which can only be based upon economic equality. That means the recognition of the union.

Now I wish to point out to you the third indictment of the open shop, that it is prejudicial to the public welfare. In the first place I wish to show you that the open shop warfare is rapidly becoming more dangerous. "Industry," an employers' organ, states, "The open shop drive of certain groups of American employers is becoming so strong that it threatens not only the welfare of the worker, but the whole structure of industrial peace and order." What is the situation? We find the trade unions constantly growing. There were only 200,000 in the American Federation of Labor in 1897; today its membership has swelled to over five million! "Trade unionism," says Professor Groat, "is here to stay; it cannot be eliminated." Why can't it? Because it has for its aim, the achievement of an American ideal,—Economic Equality. It can't be crushed because the attainment of that ideal means one more step on toward democracy. Economic equality can not exist until the trade union is recognized as the first Affirmative speaker told you. But the employers will not recognize the trade union and so strikes occur, and increase in numbers each year. Are those strikes justified? Why, the American people through the National War Labor Board justified them; they granted the very thing we plead for tonight, during the war in all war-industries. The National War Labor Board declared as follows: "The right of workers to

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organize into trade unions and to bargain collectively through chosen representatives is recognized and affirmed." "This right shall not be denied, abridged, or interfered with by the employers in any way whatever."

And so we have the open shop warring against the just demand of the worker; the employer striving to crush the aspiration in the breast of the workman,—trying to curb that desire which arises in the heart of an American citizen, even though he be a grimy toiler in the shops, to be allowed to bargain squarely and fairly with his employer upon a basis of equality. The result of all this has been indicated to you by the second speaker of the Negative when he told you of the rapidly increasing strike menace. The strikes each year are greater in number and in magnitude than in the year preceding, and the public suffers. How long is this going to continue? Look at the past thirty years and you can read the future,—ever increasing danger to the public welfare. What are you going to do about it? The gentlemen of the Negative tell you they are going to use more open shop; the open shop is going to cure the situation! Why, Ladies and Gentlemen, the open shop warfare of the last thirty years has been the direct cause of these strikes; the open shop is not the cure, it's the cause.

I have shown you that the open shop should be abandoned because open shop warfare is rapidly becoming more dangerous to the American people. Now I wish to point out that this abandonment means less strikes. Why? First, because the open shop is the cause of strikes in two ways. The union or shop committee in the open shop is necessarily weak and so when it makes a fair demand of the employer he does not grant it because it is more to his advantage to let his men strike, see the organization break up in a few weeks, and come back to him at any wage and under any condition he sees fit to impose. That is the reason why Andrew Carnegie stated, "Ninety per cent of the strikes are directly due to the employers." In the second place, the open shop is the cause of strikes because it is the denial of the recognition of the union. The fundamental reason behind all strikes, in the last analysis, is the attainment of a status of economic equality which can only exist when the union is recognized. The union strikes fundamentally for recognition. The great defect in the Negative case is that these strikes can't

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be arbitrated under the open shop. Why? Because they are strikes for the life or death of the union; they can't be arbitrated. Why, it would be just as sensible for you to give an arbitration board the power to decide whether or not you shall live! That question can not be arbitrated. As soon as the open shop principle is abandoned and the union recognized, arbitration can at last be had, and that is why we ask for the abandonment of this principle tonight.

The abandonment of the open shop not only means less strikes through removing their cause, but the growth in power and responsibility of the labor organizations will insure industrial peace. The growth of the American Federation of Labor is a specific proof of this statement. In the nineties it was a small association, radical in its trend, and Samuel Gompers was admittedly its radical leader. Today it is dozens of times larger, it has thrown off all radical tendencies, and is regarded universally as the most conservative body of labor in the world. Samuel Gompers, today, has been characterized by President Wilson as a most conservative American citizen. As the Anthracite Coal Commission stated, "The more full recognition given the unions, the more business-like they become. In dealings with business men on business matters, they become more intelligent, more conservative, more responsible."

Furthermore, the abandonment of the open shop principle makes arbitration at last possible. The American Federation of Labor and every international union contain provisions in their charters providing for arbitration before every strike or lockout, if the union is recognized. Labor is willing to arbitrate if given the chance. This is shown in the two great controversies before the public at present,—the packing industry, and the railroad discussions. Are these organized workmen striking unnecessarily, destroying property, and endangering your lives? They are not. The New York Times for March 13th quotes: "The workers state that the pay cut and other conditions must be submitted to arbitration. If the packers reject these terms there will be a strike." The Boston Herald of March 15th reads, "There is little danger of any cessation of work should the railroads put the reductions in force, union officials said, as the employees will appeal to the labor board at Chicago, and abide by its decision." Thus the actual facts in industry today show us

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that as unions are recognized and grow more powerful, they become more conservative and responsible to public opinion, and endeavor to secure industrial peace through arbitration.

I have shown you that the open shop principle should be abandoned because it is prejudicial to the public welfare, and because the growth of conservative, responsible labor organizations which would result would insure industrial peace.

In conclusion, we ask for the abandonment of the open shop for three reasons:—Justice to the worker, efficiency in industry, and industrial peace.

THIRD NEGATIVE

R. Miles Warner, Princeton

LADIES AND GENTLEMEN: At the outset, let me recall to your minds the real issue of the debate this evening. The gentlemen of the Affirmative have uselessly spent much time in attacking the employers. But they cannot cover up the evils of trade unionism by talking about the defects of a few isolated men. I cannot condone my own crime by talking about someone else who may have done wrong. Two wrongs do not make a right. Nor can they divert us by asking an equality of bargaining power. We accept the principle of collective bargaining, but insist that recognition of the trade unions as a general principle is not the way to make it effective. Let me remind you that the Affirmative is not merely asking us to accept collective bargaining, but the practices of trade unions. That is the issue of the debate tonight. The Affirmative must justify the practices of trade unions to win its case.

It is our contention that trade unions stir up class war and hostility rather than promote industrial peace; that actual bargaining does not exist on such a basis, but results in collective blackmail. They transfer the loyalty of the worker from his own plant to an outside organization waging war against his employer: the 1919 Convention of the American Federation of Labor went on record against the principle of partnership in industry. The unions have become a selfish, restrictive monopoly by a small class of skilled, organized workers reaching out for political power. They oppose the public welfare by limiting production, stirring up strife, and even going to the extent of defy-

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ing the law. The monopolistic and selfish tendencies which we indicate are not exceptional evils. It is upon these practices that the trade unions rely generally for the returns that they gain for their members. Deprive them of these practices and their strength is gone. They constitute the economic basis of trade unions, the *sine qua non* without which they have little reason for being. It is these inherent evils which the gentlemen of the Affirmative have failed to justify. It is these practices which they are saying the employers should accept.

We have heard much talk about the trade unions protecting the workers. What are the facts? The facts are these so-called defenseless workers are a small class of skilled, organized men who least need protection. What have they done for the millions of unskilled and unorganized? It is matter of common knowledge that it is the policy of the majority of the unions to restrict their membership artificially, and to discriminate against the unskilled and unorganized men. Unionists of the Building Trades, for example, refuse to work with unskilled and unorganized laborers. Carpenters will not even handle materials made by non-union men. Firms of open shop employers are boycotted. Bricklayers and Masons insist that sub-contracts be let by their employers only to union firms. Coercion is employed where the unions are strong. Without a fine from the employer, longshoremen will not unload a boat on the Great Lakes which has been loaded by non-union men in another city. Wages are raised while production is limited, and as a result the unskilled workers and the others of the public pay the price. Statistics show that the gap between the wages of the skilled, organized workers in America and the unskilled, unorganized workers is wider than in any other country. The unions are not the real benefactors and protectors of the workingmen that they have been painted.

I might go on to point out that the trade unions really do not represent the masses of labor; that the majority of labor is outside the unions; that, even within, on the authority of W. Z. Foster of steel strike fame, the policies are controlled by a bare 1 per cent of the membership. I might point out how the unions tend to crowd down the best man to the level of the poorest; that by the uniform wage they crush the opportunity for the efficient man to forge ahead; that they keep many men

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from learning a trade by unduly limiting the number of apprentices. But these facts are known to all. As Mr. Henry George pointed out in his Open Letter to Pope Leo XIII: "Trade unionism takes no note of the general causes that determine the condition of labor, and strives for the elevation of only a small part of the great body. . . . To apply the principle of trade unions to all industry would be to enthrall men in a caste system. I speak without prejudice against trade unions of which for years I was an active member. I state the simple, undeniable truth when I say their principle is selfish and incapable of large and permanent benefits, and their methods work hardship and injustice." This comes from a former workingman, for many years a member of a union, and once the labor union candidate for mayor of New York City. Certainly he was in a position to know the facts. Such are the inherent evils of trade unions which the gentlemen of the Affirmative tell us the employers should accept.

One of the most deplorable features of the situation is that the unions have gone to the extent of actual defiance of the law. The head of the American Federation of Labor tells the United States Government it may "Go to!" with its injunctions. He says the highest court in the land has no right to define the rights of a labor union. The unions preach anarchistic doctrine by saying that they will defy a law which they interpret as unjust. Samuel Gompers says: "The American Federation of Labor and its President have declared that manifestly unjust decisions of courts must be defied, and there is no disposition to recant." They will interpret the law, and defy it when they think it unjust, saying: "There can be no respect for court decisions formed to serve despots, industrial or political." The unions would allow the country to be paralyzed by railroad strikes. We are reminded of the threat of the leader who said: "If you do not grant my demands not a wheel will turn east of Chicago, and New York will starve to death." They fight the Kansas coal laws and insist that they have a right to freeze the people while they try to unionize the mines. They tried to unionize the police of Boston, which then President Wilson branded as a crime against society. They refuse to be held responsible for violation of contracts. Twenty-one leaders of the Structural Iron and Steel Workers, a part of the American Federation of

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Labor, were re-elected to office, immediately after their return from prison, where they had been sent for destroying property of employers. Mr. Ryan of the steel strike had been in prison for the bombing outrage on the Times Building in Los Angeles. The unions refuse to allow the Government to restrict their attacks upon employers and customers under the secondary boycott. They refuse to allow restraint upon monopolistic practices. They say that labor unions must be above the law. The attitude of the American Federation of Labor in the words of Ex-President Taft "would set at naught the law of the land and is a vicious abuse in seeking to array a class against the whole body, politic and social." He says the cause of organized labor has been harmed by the unions' "arbitrary abuse of power and their spirit of lawlessness." This attitude alone condemns their recognition as a general principle.

But the worst feature of all is that the unions would fasten these evil practices of theirs on the country for once and for all by the monopoly of the closed shop. The head of the American Federation of Labor frankly admits the end and aim of the unions is to bring this to pass: a shop in which no man shall work unless he bears a union card. Do the gentlemen of the Affirmative stand for the closed shop? If they do not, let them not recognize the labor unions, for in doing this the battle against the closed shop would be lost. Recognize the unions and you recognize the principle of the closed shop, for that is what they stand for and work to achieve. If they *do* stand for the closed shop let them hearken to the words of their own distinguished Ex-President Eliot of Harvard, who says in regard to the "closed shop," limitation of output, restricting the number of apprentices and the sympathetic strike: "I find every one of these principles to be in defiance of private and public liberty." If the closed shop prevails, in the words of the editor of the Weekly Review: "we should all be at the absolute mercy of the labor unions; they could at any moment enforce any demand they might think fit to make by the threat of paralysis of the whole activities of the community." And yet if you compel all the employers in the land to recognize the unions, the closed shop will grip us inevitably. Why are the unions fighting for recognition? Only that they may enforce the closed shop. They

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admit that this is what they are after. That is what the majority of union leaders mean by recognition. Once recognize the unions and the battle is lost. Dr. Frank Stockton in his book on "The Closed Shop in American Trade Unions," after showing how the majority of trade unions are fighting for the closed shop says: "the method ordinarily employed is to bring into membership as many men as possible and then to demand of the employer that he recognize the union and agree thereafter to employ only union members." There is the sequence: first recognition, and then the closed shop. The unions admit this, and yet the Affirmative tell us that the employers should recognize them. Unless the closed shop can be justified, the Affirmative case must fail.

In conclusion, while it is not necessary that we build up a constructive case for the opposition, yet we suggest there is a way out of our problems. It is significant that when the President's Second Industrial Conference met in Washington under the head of such men as W. B. Wilson, then Secretary of Labor, and Herbert Hoover, they did not suggest that recognizing the unions as a general principle would solve the industrial situation. Instead they advocated a principle of partnership, of conciliation, of cooperation in industry by the principle of employee representation: giving labor a share in the management and control of industry: building up a community of interest between workingman and employer: promoting a real collective bargaining based on a mutual interest in the welfare of the plant. Practical men and speculative thinkers alike point to the inevitable fact that the day of partnership in industry is coming. To this partnership the labor unions are opposed. They have gone on record against it, and in fact they attempt to break it up wherever it exists. Why? Because such partnership means cooperation between the worker and his employer, and there is no opening for the class hostility stimulated by the unions. It means the end of monopolistic power. It means a real, earnest effort for industrial peace. Therefore, because the unions are opposed to such partnership in industry, because of their inherent evils which are not justified, because by recognition and the closed shop they demand that these evils be fastened upon industry to the detriment of the country, and because they seek to erect a

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social, industrial and political domination of the country, we hold that the employers of the United States should not recognize them as a general principle.

FIRST NEGATIVE REBUTTAL

Saul Makrauer, Princeton

What has been the contention of the Negative thus far this evening? In the first place, we have shown you the result of recognition of trade unions as it has worked out in England, and the tendencies which are similar in the American trade union movement. Secondly, we have proved to you certain very basic evils and negative tendencies inherent in the trade unions of this country, which make it impossible to confer upon them the prestige of recognition. The third speaker for the Negative has traced the final consequence attendant upon such recognition, the closed shop in industry.

And what has been the reply of the Affirmative? They have admitted that trade unions are not perfect, but that these little imperfections, such trifling abuses, for instance, as monopoly of power and restriction of output, are not the rule and can be very easily remedied. We would first ask the Affirmative to give us some very practical method by which these evils can be eradicated, and then, having found one, we would further inquire, how could they make the trade unions realize the error of their ways, and accept their method. And further than that, we would ask the Affirmative to name a few trade unions of any considerable importance, as the American Federation of Labor, which cannot be accused of practicing, not once or twice, but in general, the evils which we have pictured. Ladies and Gentlemen, the fundamental fact is, that the Affirmative have made a statement, and evolved an argument which they cannot prove. The economics of the trade union is this, that without the exclusion of numbers, without the restriction of output, without the exercise of monopolistic power, they could not exist. These evils are the lifeblood of the unions, and cannot be willed away with a word. These unions are organizations of skilled workmen, who, being irreplaceable, exercise a monopoly of labor. The endeavor of unionism is to make the job last, not to get the job done. It assumes that the supply of work is

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limited, and, if there are too many apprentices, the workingmen will soon be on half time. Hence, the policy of limiting their numbers. We have cited a few of the by-laws of these organizations. They are not the exception but the rule, and you have seen that in every one of them there is some provision made for these evils. Recall the decision of Justice Pitney laid down in the Hitchman Coal and Coke Company case against the United Mine Workers of America, a branch of the American Federation of Labor, in which he found that trade union to be a conspiracy in restraint of trade, an organization exercising monopolistic powers. And then recall the statement made by the Affirmative that these are mere trifles. These inherent evils cannot be remedied without destroying trade unions, and we understand that the Affirmative is strongly opposed to such a move. In short, they are advocating a step which is contrary to the proposition which they uphold. We must consider trade unions as they are, not as they might become, and the Affirmative demands that we recognize all trade unions, and not merely one good one here, and one good one there. They ask the employer to close his eyes to evils which shall mean his ruin, and to bestow upon organizations more power, when those same organizations have abused the power which they now possess. The railroad strike of 1919, the coal strike of the same year, and the Adamson Act episode, all recall certain abuses which will continue as long as trade unionism continues. And yet the Affirmative would ask the employer to recognize these evils by recognizing trade unions!

But there is still another fallacy in the case of the Affirmative, based on a misconception. They have maintained that we should give the trade unions a chance, that collective bargaining without recognition cannot exist. I quote to you the words of W. J. Lauck, counsel for most of the trade unions of this country: "There need be no connection between the power to bargain collectively, and the recognition of trade unions." Here is the statement of a man who is speaking for the trade unions themselves. Further I call to mind again the case of England. There recognition of trade unions is an accomplished fact, and consistent with the contention of the Affirmative we should expect that industry in that country is the personification of the collective bargaining instrument. And what did we find? We

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have seen a sort of bargaining prevailing there, but not the economic equality which the Affirmative claims for recognition. The bargaining is by one party alone and that party is labor. Indeed labor is satisfied there. Why shouldn't they be? They are running Great Britain's industries. If this is what the Affirmative styles economic equality, they have used a novel meaning of that term. If this is what they mean by giving labor a chance, it would be that sort of a chance which the holdup man gives you when he flashes a gun in your face, and assures you that if you give him your watch, no harm will happen to you. The point is that the Affirmative have based their plea for economic equality on a misconception of the term, as though only one party were entitled to it, which is labor. We understand the term to mean, as all authorities on economics affirm, that there are two parties bargaining collectively, employer and employee, and that only as the equality of power of these two parties is maintained, can there be any vestige of economic equality. This equilibrium is destroyed once you recognize trade unions, for under that system you make the trade union the arbiter in industrial affairs, which soon means that the trade union is the sole arbiter, and when that occurs there results the closed shop in industry. Labor then has the balance of power and the economic equality so-called becomes collective force as in English industry, and in the building trades in the United States, which, under the misrule of a Brindell, results in Tammany Hall rottenness. The fallacy of the argument of the Affirmative is, that recognition and collective bargaining are assumed to be complements of each other. This is a misconception, as the history of the exercise of collective bargaining in the pottery industry, in the glass industry, and in the railroad industry, where the open shop prevails, proves.

It still holds that the plea which the Affirmative is making for recognition of trade unions is not a plea for collective bargaining. Until the trade union can show a record of less viciousness, and more responsibility, until those inherent evils in trade unions do disappear, which will then mean that trade unionism is no more, until the Affirmative can prove, and not merely state that recognition of trade unions is the synonym for economic equality, trade unions cannot be recognized.

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FIRST AFFIRMATIVE REBUTTAL

Paul Richard Harmel, Harvard

MR. CHAIRMAN, LADIES AND GENTLEMEN: The gentlemen of the Negative have undertaken the task of defending collective bargaining under open shop conditions, and at the same time denying the recognition of the only organization on the side of labor that can bargain—the trade union. I have already shown you how collective bargaining in even our model open shops is nothing but a sham since the workers are not upon the level of equality which is so essential to any bargaining. I have shown you that collective bargaining is simply collective begging under the open shop. The entire system is based upon a haphazard and unsound structure which is liable to topple over at any moment, engulfing the workers and depriving them of their only succor, the trade union. And let me remind you that not once this evening, thus far in the debate, have the gentlemen upholding the non-recognition of the union denied the weaknesses of collective bargaining wherever the trade union is not recognized.

They tell us that the employer should not be forced to recognize the union, or any outsider, in dealing with his employees, and that this is unjust and undesirable. The employer, under their system, may hire all of the expert advice he needs in the bargaining for wages, but the employee can have no chosen representative. Is this justice? The employer has the financial and moral support of national organizations behind him; the employee relies upon the meagre support of his own isolated little group, and he pleads with the fear of discharge or discrimination. If the employee is refused his request, what then? Do the gentlemen call this justice?

The well known economist, Professor F. W. Taussig has said, "A common contention among employers opposed to unionism is that they will deal only with their own men, not with any outsider. In this respect they seem to be quite in the wrong; or to state it more correctly, the balance of social advantage is against such a procedure."

In the autumn of 1919, President Wilson appointed an industrial conference composed of representatives of capital, labor, and

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the public, to discuss industrial problems. A resolution was forwarded by the public and by labor for the recognition of trade unions. A unanimous vote was necessary for the passage of any resolution. Capital opposed the measure and defeated it, whereupon labor withdrew. Capital was asked to withdraw, and the remaining representatives of the public, the only impartial group, drafted a letter to President Wilson asking that the government recognize, "the right of wage-earners to organize into trade unions, to bargain collectively, to be represented by representatives of their own choosing in negotiations and adjustments with employers in respect to wages, hours, conditions of employment and the like." This, Ladies and Gentlemen, was a demand for the very principle which we are upholding this evening—recognition of the trade union.

That the trade union is absolutely essential in collective bargaining, is recognized by almost all economists. Professor Hoxie says in "Trade Unionism in the United States," "Recognition of the union by employers is obviously another essential of collective bargaining. There is no other medium through which the workers can be dealt with collectively. Before collective bargaining can begin the union must be recognized." Professor Groat states, "It is shown by much evidence that the open shop easily becomes the anti-union shop. But even if union men are not discriminated against, still the open shop remains to the union man a denial of the right to bargain collectively." Adams and Sumner, in their book, "Labor Problems," say on page 272, "Collective action is the soul and spirit of trade unionism, and the most public spirited men in all walks of life are coming to regard it, not only as inevitable, but as one of the most promising and practicable means of elevating the working classes." Finally, the Journal of Political Economy of February quotes P. H. Russell as stating, "To substitute disconnected shop committees for the well-knit union forms would be to deal a severe and perhaps a deadly blow at effective working-class organization, and to render the workers almost helpless before opposing forces."

To conclude, Ladies and Gentlemen, we find that labor needs the trade union as the first essential of its welfare. The workers need the union because it is the only organization great enough to parallel the national employers' associations, which form a gigantic bulwark for every employer in the land. The gentlemen

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of the Negative have spoken of equality. That is just what we want. We are pleading for equality for the working classes in collective bargaining. That equality can not be secured without the recognition of the trade union. Inequality in the open shop has resulted in the deplorable conditions of the workers in the steel industry, and as long as the trade unions were not recognized in the clothing industry sweated conditions prevailed, Gladstone once said, "Trade unionism is the bulwark of democracy." Why? Because it means equality for labor; it means better conditions, it means equal bargaining power. Should we question its recognition? Because the trade union has been and is the only effective force in collective bargaining, we ask for its recognition, and the abandonment of the principle of the open shop which denies such recognition.

SECOND NEGATIVE REBUTTAL

Robert H. Scholl, Princeton

LADIES AND GENTLEMEN: Our opponents have made much of the bad conditions existing in certain industries. They have laid particular stress on working conditions under the United States Steel Corporation and the Affirmative seems to assume that we of the Negative must defend the evil practices of this and other employers. But, Ladies and Gentlemen, we hold no brief for any employer—much less the illegitimate employer. What we are debating this evening is recognition of the trade union, not recognition of the employer. The bad conditions which exist under a certain few employers in no way justifies the saddling of the inevitable evils of trade union recognition upon the whole country.

The Affirmative has based its case largely on the proposition that recognition of the trade union is necessary as a means of protection. This is an important consideration. If the trade union really is a protection to the workingman and the public, that fact will go far toward establishing its claim for recognition. Let us face this issue squarely and see how the trade union works in actual practise.

Does the trade union protect the worker? Last summer, here in Princeton several outside union plumbers were about to be taken on for some extra work. The regular plumbers on the job were old employees and were non-union men. The local union

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stepped in and refused to let the union men go to work alongside the old non-union men. The new men needed the work but they could not prevail upon the local union to change its edict. Finally, some union men came in and carefully concealed their union affiliation in order to take the job. The trade union, above all, pretends to protect and help the union man. Here is, indeed, a sad commentary on the difference between union pretenses and union practise.

If the union man is treated this way, what of the unorganized worker? He finds rules limiting apprenticeship in the building trades, in the masons, in the iron-molders—throughout the skilled trades. He finds himself an outcast among his fellow workers, hedged about by rules and hindered in every way. As we pointed out before, the strength of the trade union is in the skilled trades and there remains that great mass of unskilled, unorganized workers. Does not the non-union man merit protection as much as the union man? Yes. But he long ago learned that he need not look to the trade union for any protection.

Was this organization of the trade union designed merely as a protection to the workingman? Is it the idealistic, altruistic machine for the securing of collective bargaining which the Affirmative would have us think it is? In theory,—possibly. But we are dealing with actualities. And in practise the trade union is a monopolistic combination for the exploitation of a few workers at the expense of unorganized workers and the general public. It is a fighting machine designed to perpetuate a class struggle. The evil practises of the trade unions are not mere incidents in a fight for justice. They are inherent evils; fundamental; basic. They are the very lifeblood of its existence. They are the reason and cause of its strength. The Affirmative speaks of justice, efficiency, and industrial peace—but these things are foreign to the very nature of trade unionism.

Now how about the public? You and I—do we need protection? We have seen that the trade unions cut down production; that they force wages and prices to an artificial level; that they use the sympathetic strike of which an Illinois Supreme Court Judge said, "The sympathetic strike is justified only when revolution is justified." We have seen that the trade unions make wide-spread use of the jurisdictional strike; that they use their

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power for coercion; that they promote a class struggle; and finally that they hold themselves above the law. Do we, the public, need protection? Yes. We need protection—protection against trade unionism.

SECOND AFFIRMATIVE REBUTTAL

Raymond Samuel Fanning, Harvard

MR. CHAIRMAN, LADIES AND GENTLEMEN: The gentlemen of the Negative have offered in support of their case the well known labor opinions of Dr. Eliot. A few years ago another president of a great American college was expressing views much like those of Dr. Eliot, yet with the passing of time we find this great man yielding to an altered view, until in 1917, as president of the United States, Woodrow Wilson ex-president of Princeton University, addressed the National Convention of the American Federation of Labor at Buffalo and promised his cooperation in the loyal efforts of that body.

As another of its chief authorities, the Negative has offered Henry George. Mr. George was a prominent figure in labor affairs a quarter of a century ago, but the recentness of many of the phases of our question prompts us to quote another great labor authority who writes about twenty years later than Henry George. Professor Hoxie says in reference to this subject of union selfishness, "The methods by which the Employers' Associations and trusts have beaten down the union strength have caused, and perhaps justified, many of the union points of view and methods."

As an example of the monopolistic methods and tendencies of the unions we have been referred to the Brindell case, in New York. That case is a good example of the average reliability and fair dealing of American unions and leaders. When one labor leader is exposed as a criminal the public is profoundly shocked; but no one is shocked to learn that a dozen employers had taken part in the crime—we are so used to it. (laughter) We commend this case to the Negative as proof of the normal reliability of the trade unions.

The second speaker for the Negative, in supporting his contention of union inefficiency, quoted a rule of the locals of

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the Carpenter's Union in Princeton and Chicago. In his book on trade unionism, Professor F. T. Carlton quotes this identical rule, and says of it: "This rule was directed against the practice of paying a few men extra wages to act as rushers or pacemakers; it may be defended as a health measure. Unchecked this tendency (to rushing) would lead to a task system as found in the sweated industries."

Ladies and Gentlemen, the whole case of the Negative tonight has rested upon the claim that American labor wants a dictatorship, that the American Federation of Labor opposes employee representation, and democratization of industry, and they have quoted the President's Second Industrial Conference as proof. Labor was not officially present at the second conference, but it was represented at the first conference, and it offered at that time a definite plan of obtaining employee representation of a kind that would be effective. It says, "Labor is fully conscious that the world needs things for use, and that standards of life can improve only as production increases. Adoption of the principle of full cooperation in industry will bring such an impetus that production will cease forever to be a problem in American life. To secure continuously improved industrial relations between employers and workers . . . there should be established a national conference board consisting of an equal number of employers and workers, to have for its object the consideration of all subjects affecting the progress and well-being of the trade, to promote efficiency of production, as well as safe-guarding and promoting the rights of all concerned within the industry." Such boards have already been in operation. The oldest one is in the stove industry, and we have the authority of Professor Commons that the board has preserved industrial peace and productive efficiency in that industry for over twenty years. In such a national conference board the unions are recognized and therefore the plan is effective, however, the plans of the Negative call for a system wherein no recognition is given to the union and wherein no effective and equal collective bargaining can obtain.

We have asked for the abandonment of the open shop principle this evening because of three main reasons: To secure equality of bargaining power for the worker, to obtain efficiency in industry, and to gain industrial peace.

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THIRD NEGATIVE REBUTTAL

R. Miles Warner, Princeton

LADIES AND GENTLEMEN: At the close of the debate for the Negative, it is well that we clarify the issues of the discussion as they have been presented. The main contention of the Affirmative has been that the trade unions are necessary for an equality of bargaining power and for the protection of the workingmen, and therefore that they should be recognized.

We of the Negative, however, have pointed out that the recognition of the trade unions would mean an industrial domination by an exclusive, monopolistic and selfish power rather than bargaining equality. Real collective bargaining would be overthrown, because, in the words of Justice Pitney of the United States Supreme Court, there is "not bargaining at all, in any just sense, unless it is voluntary on both sides." If all the industrial power were centered in the trade unions, as the Affirmative proposes, negotiation between them and the employers would be on a demand-and-surrender basis rather than one of bargaining. There would be an inevitable tendency for collective bargaining to give way to collective blackmail, and the nation would be powerless to prevent the paralysis of its industry if the unions so decreed. If collective bargaining was all that the trade unions seek, the unions would succeed among the unorganized and unskilled as well. But it is political and industrial control that they are seeking. Is it necessary for collective bargaining that the unions maintain a lobby at Washington; that they secure the election of this Congressman and the defeat of that according as he is or is not favorable to the unions; that they go to the extent of trying to reverse the decisions of the United States Supreme Court?

The fact of the case is that the unions are not interested in real collective bargaining. Collective bargaining, as we have shown, can only exist on a basis of cooperation and common interest between the employer and his workmen. To this the unions are opposed. They transfer the loyalty of the individual worker from his own plant to an outside organization which refers to employers as "tyrants" and "industrial despots" in general. They have no sympathy for the employer. They

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oppose the workingmen going into partnership with him. Promoting a mutual interest in the welfare of the plant between employer and his workingmen would defeat their schemes. They stimulate hostility and class warfare frankly and openly. Such a program means the death of collective bargaining and all hopes of industrial peace and progress.

Nor are the unions the altruistic and benevolent protectors of labor that the Affirmative would have us believe. We have shown how the unions are undemocratic; how they are controlled by a bare 1 per cent of their membership, how individual ambition on the part of the workingmen is stifled, and the best man is crushed down to the level of the poorest; how the unions discriminate against the masses of unskilled and unorganized; how their policy is one of exclusive monopoly not shaped to better the general advancement of labor, but only that of a small, selfish minority at the actual expense of the outside mass of labor and the general public. The most convincing proof of the insincerity of the unions, as we have demonstrated, is shown in their determination to defeat all plans of real partnership in industry, of cooperation and true collective bargaining calculated by such men as W. B. Wilson and Herbert Hoover in the President's Second Industrial Conference Report to the progressive step toward industrial peace. In fact, wherever the most advanced and modern principle of employee representation has been employed, the unions wage active war against it. This alone reveals their hypocrisy and insincerity.

And so, in this debate we have shown you that the two main contentions of the Affirmative have no basis in reality; that the unions defeat a real spirit of collective bargaining and are only interested in having employers and the general public surrender to their demands; that they are not the real benefactors of the workingmen, but are rather opposed to the progress of the great mass of labor. On our own part, we have pointed out that the example of England is enough to deter us from recognizing the unions as a general principle; that they stir up class warfare and class hostility; that they destroy harmony and cooperation and instill discord into industrial life. Again we have shown that trade unions deny opportunity to the workingman, limit production, place a burden of expense upon the public, and even entertain a marked disregard for the

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public welfare. We have pointed out that the unions tend to monopolistic control and misuse of power, and that they try to defeat an honest and progressive attempt to secure industrial success by a principle of partnership and cooperation between the employer and the employee.

Thus far, the Affirmative has not justified these inherent practices of the trade unions. Only one speech remains for the gentlemen of the opposition in which to justify these evils. If that speech fails to do so, their case must fail. And they cannot excuse these practices. Already the unions have gone to the extent of actual defiance of the law, and are now seeking to fasten these evils on the country by the greatest menace of all—the closed shop. For their actions there is no reasonable justification. Therefore we maintain that the recognition of the trade unions would be dangerous to the public welfare and disastrous to industrial peace.

THIRD AFFIRMATIVE REBUTTAL

Clyde William Phelps, Harvard

Mr. Chairman, Ladies and Gentlemen: The speaker has just described to you his wonderful plan of democracy and partnership whereby he is going to secure industrial peace. He quotes from the second Industrial Conference held at Washington and states that there are two kinds of democracy in industry. He did not tell us the names, but we believe they must be E-ffective and De-fective, and the defective one is the plan the gentleman advocates. (laughter) It is defective just as the first speaker of the Affirmative has pointed out to you because it does not give equality of bargaining power to the employee. That is the reason the workers are opposed to the kind of industrial "democracy" advocated by the Negative; that is why we ask for the abandonment of the open shop because it is the denial of true democracy and real equality.

The last speaker of the Negative and his team-mates have dwelt at length upon the restrictions of output practiced by workmen; they have told you about the rapidly increasing strikes with a growing danger to the public welfare; they have impressed you with the harmful results of this open shop warfare upon the legitimate aspiration of the worker—and yet their

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final speaker has advocated as their one plan for securing peace, the continuance of the open shop principle. Because they have failed to present a solution for the existing conditions, we believe we are justified in saying that their case has not been sustained this evening.

We are at the end of the debate; let us see just what the Negative case has been. The first speaker contended that recognition of the union would lead to a political party. He tried to show you that the American Federation of Labor is a political movement, yet Samuel Gompers, the leader of that organization, has protested against any attempt to form a political party out of the great association; he has stated that he is absolutely opposed to a labor party. The speaker's attempt to read into the American Federation of Labor, a political aspiration has puzzled us for we have failed to find anywhere in any column of the press, the positive statement, nor even the assertion that this organization is tending to a political party. This, Ladies and Gentlemen, from your knowledge of current literature, you know to be true. We are convinced that if a political tendency exists, it must exist in the imaginations of the gentlemen of the Negative.

The second speaker dwelt upon the record of the unions, telling you of their evils; how they restricted membership and reduced production, how they were harmful to the public, and just now in the last speech we have been told we must justify these evils to win our case. We have already done that, Ladies and Gentlemen. The second speaker of the Affirmative after admitting these practices, proceeded farther and showed you that the fundamental cause of these restrictions was the antagonism of the open shop warfare. He pointed out that the open shop is the cause of inefficiency, because efficiency cannot come without cooperation, and cooperation cannot exist except upon a basis of economic equality. That means the abandonment of the open shop principle and the recognition of the union.

Then the third speaker closed the Negative case with an endeavor to show that the abandonment of the open shop principle would create a labor monopoly dangerous to the American people. Yet in the third main speech of the Affirmative we pointed out to you that as the labor organization grows more

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powerful, it becomes more conservative and more responsible to public opinion. We proved this point by specific instances drawn from the packing industry and from the railroads. Furthermore, if some unions here and there in the country should threaten the public safety we have in the background, public supervision, government regulation, and law to enforce the will of the people upon an unruly union. We believe in treating this problem as the American people treated the trust problem. When the trusts first appeared they were looked upon by all as an evil, just as the gentlemen of the Negative view the unions today. There were some good trusts and some bad ones, but just because some were bad we did not do away with all trusts because we realized that the principle of large scale production was good. We recognized them all and regulated the bad ones. And so tonight we advocate the same procedure in the case of unions,—recognition and regulation, for by so doing we are not proposing a radical step, but are simply following a tried principle.

We have answered the arguments of the Negative, but I wish to call your attention to the fact, Ladies and Gentlemen, that the Negative has failed entirely to reply to our case this evening. The first Affirmative speaker showed that economic equality can never exist in an open shop, and therefore justice to the worker can only be obtained by abandoning this principle. The Negative have failed to contradict that argument. The second Affirmative speaker pointed out that the open shop is the fundamental cause of inefficiency showing that restriction of production is directly due to the antagonism and driving methods of the open shop. The open shop is inefficient because it denies economic equality which is the only basis upon which cooperation can be founded. The Negative have been unable to answer this argument. Finally, I pointed out to you that the abandonment of the open shop was necessary for the public welfare, showing that the cause of strikes is the open shop warfare upon the righteous request of the worker; that a recognized, strong labor organization is the best possible guarantee for industrial peace. The gentlemen of the Negative have mentioned the danger of the strike situation but have not seemed to grasp the fact that the cause of strikes lies deeper than the worker—in the warfare of the open shop

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against that worker's legitimate aspiration. That is why we ask for the abandonment of the open shop to secure industrial peace.

In conclusion, we have established our case for the abandonment of the open shop principle on three points: justice to the worker by granting economic equality; efficiency in industry by removing antagonism; and industrial peace through the abandonment of the cause of strikes. The Negative have failed to answer these points, and therefore we believe our case stands.

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BIBLIOGRAPHY

THE OPEN SHOP

Books and Pamphlets

Adams, Thomas S. and Sumner, Helen L. Labor problems. p. 246, 252-5. Macmillan. New York. 1920.

Barr, William H. Open shop principle vital to the United States. 12p. pa. 1920.

Beman, Lamar T., comp. Selected articles on the closed shop. (The Handbook Series) $1.80. H. W. Wilson Co. New York. 1921.

Contains a bibliography.

Bloomfield, Daniel. Problem of labor. p. 185-267, 357. H. W. Wilson Co. New York. 1920.

Commons, John R. Labor and administration. Chap. 7. Macmillan. New York. 1913.

Eliot, Charles W. Future of trade unionism and capitalism in a democracy. p. 62-3. Putnam. New York. 1910.

Furuseth, Andrew and Merritt, W. G. Open shop: a debate held at the Lexington theatre, New York City, March 13, 1921. 47p. pa. 50c. H. W. Wilson Co. New York. 1921.

Gompers, Samuel. Collective bargaining 7p pa. American Federation of Labor 1920.

Other pamphlets for the closed shop by Samuel Gompers and others may be secured also from the A. F. L.

Gompers, Samuel. Labor and the employer. p 108-17. Dutton. New York. 1920.

Groat, George G. An introduction to the study of organized labor in America. p. 267-300. Macmillan. New York. 1916.

Interchurch World Movement. Commission of Inquiry. Report on the steel strike of 1919. Harcourt, Brace & Howe. New York. 1920.

La Follette, Robert M. Making of America. Vol. 8. p. 199-220. Open shop. John R. Commons. Closed shop. Walter Drew. 1906.

Digitized by Google

League for Industrial Rights, 135 Broadway, New York, N. Y. Pamphlets on the open shop furnished on request.

Lloyd, E. F. Closed union shop versus the open shop; their social and economic value compared. 27p. 75c. National Industrial Conference Board, 10 E. 39th Street, New York. 1920.

McMullan, Jennie W. The closed union shop, arguments for and against. Wisconsin Legislative Reference Library, 1920. (Obtained from the Public Affairs Information Service, 11 West 40th St., New York).

Marot, Helen. American labor unions. Holt. New York. 1914.

National Association of Manufacturers, 30 Church St., New York. Pamphlets on the open shop furnished on request.

National Industrial Council, Union Trust Bldg., Washington, D. C. Pamphlets on the open shop furnished on request.

National Open Shop Publicity Bureau, 34 W. 33d St., New York, N. Y. Pamphlets on the open shop furnished on request.

Owens, John G. An exposition of the open shop. 8p. pa. Cleveland Federation of Labor. 1920.

Other pamphlets for the closed shop may be secured from the Cleveland Federation of Labor.

Phelps, Edith M., ed. University debaters' annual, 1919-1920. p. 247-92. Closed shop: debate, with bibliography. H. W. Wilson Co., New York. 1920.

Texas. University. Interscholastic league. Open shop vs. closed shop. 60p. Austin, Texas. 1920.

United States. Commission on Industrial Relations. Vol. I, p. 240-2. Vol. V, p. 4771-909. Vol. VI, p. 5485-999. 1916.

United States. Library of Congress. List of references on the open shop. 17p. (Mim.) August 31, 1920.

Webb, Sidney and Webb, Beatrice. History of trade unions. Longmans. New York. 1920.

Zimand, Savel. Open shop drive: who is behind it and where is it going. 61p. 50c. Bureau of Industrial Research. 289 4th av., New York. 1921.

Contains a bibliography.

Digitized by Google

Periodicals

American Economic Association, Publications. 3d series. 6:160-77. The issue between the open and closed shop. John G. Brooks.

American Economic Association, Publications. 3d series. 6:178-94. F. '05. Necessity of the open shop; an employer's view. John D. Hibbard.

American Economic Review. 8:752-62. D. '18. Closed shop versus open shop. H. E. Hoagland.

American Federationist. 12:13-16. Ja. '05. Open shop in government. William T. Kelcher.

American Federationist. 12:269-74. My. '05. Demand of labor unions for the closed shop is justifiable. Harold Chayes and Chas. Leviton.

American Federationist. 15:161-78. Mr. '08. Supreme court decision in the Hatters' case,—affects all organized labor. A symposium.

American Federationist. 15:645-67. S. '07. That capitalist war fund. A symposium by men who think and act. James Duncan, John Roach, G. W. Perkins, J. W. Kline, James M. Lynch, Jere L. Sullivan, and Samuel L. Landers.

American Federationist. 17:893-6. O. '10. The open shop city of refuge. Stuart Reid.

American Federationist 18:22-6. Ja. '11. The open shop vs. the union shop from the standpoint of the wage earner. W. P. Stacy.

American Federationist. 27:746-51. Ag. '20. The union shop and its antithesis. Samuel Gompers.

American Federationist. 27:929-36. O. '20. The United States Chamber of Commerce subtle but futile. Samuel Gompers.

American Federationist. 28:49-51. Ja. '21. The open shop. James Lord.

American Federationist. 28:109-15. F. '21. Open shop hypocrisy exposed. Samuel Gompers.

American Industries. 9:18-19. Ag. 1, '09. The open shop—its success.

American Industries. 10:27, 46-7. My. '10; 27-8. Je. '10. What does the closed shop mean to you? John Kirby, Jr.

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American Industries. 11:19-20. S. '10. Closed shop agreements unlawful. John W. Goff.

American Industries. 12:17-19. Ja. '12. How the open shop has benefited Los Angeles. C. W. Burton.

American Industries. 15: 15-17. Ja. '15. Federal industrial relations commission report. Walter Drew.

American Industries. 20:15. O. '19. Chairman Gary's letter to subsidiary companies.

American Industries. 20:31-2. Ja. '20. Menace of the closed shop. E. H. Gary.

American Magazine. 72:545-51. S. '11. Why men fight for the closed shop. Clarence S. Darrow.

Annalist. 16:646. N. 22, '20. The open shop most important of industrial questions. William H. Barr.

Annals of the American Academy. 24:296-315. S. '04. New unionism, the problem of the unskilled worker. William S. Walling.

Annals of the American Academy. 25: 517-20. My. '06. Fallacy of the closed shop. George H. Ellis.

Atlantic Monthly. 112:144-53. O. '13. Monopoly of labor. J. Laurence Laughlin.

Commercial and Financial Chronicle. 109:1642-4. N. 1, '19. The principle of the open shop,—the right to quit work.

Commercial and Financial Chronicle. 109:1950-1. N. 22, '19. W. H. Barr on dangers to commerce of closed shop.

Engineering Magazine. 46:566-70. Ja. '14. Short sighted methods in dealing with labor. C. J. Morrison.

Factory. 26:1190-3 My 15, '21. Trends in management: open shop or closed, which? W. L. Stoddard.

Independent. 56:1069-72. My. 12, '04. The open shop means the destruction of the unions. William E. Walling.

Industrial Management. 61:37-9. Ja. 1, '21. Open shop and the motives back of it. R. E. Fox.

Industry. 2:8-11. O. 15, '20. Where the American farmer stands on the open shop issue.

Industry. 3:7-8. D. 1, '20. The New York World versus William H. Barr.

International Moulders' Journal. 56:665-9. S. '20. The union shop and its antithesis. Samuel Gompers.

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International Quarterly. 11:288-300. Jl. '05. New peril for the trade union. John G. Brooks.

Iron Age. 100:916. O. 11, '17. Closed or open shop. Walter Drew.

Iron Age. 106:1606-8. D. 16, '20. Closed shop principles paramount. James A. Emery.

Iron Trade Review. 65:1192-3. O. 30, '19. Labor seeks union domination: open shop in focal point of labor problem. E. H. Gary.

Iron Trade Review. 67:846-52. S. 23, '20. Nation swinging to open shop. A. J. Hain.

Iron Trade Review. 68:762-8. Mr. 17, '21. Twin Cities team for open shop. A. J. Hain.

Journal of Political Economy. 20:928-52. N. '12. The economic basis of the fight for the closed shop. H. T. Lewis.

Literary Digest. 68:36-7. Ja. 8, '21. Employers poisoning the springs of childhood.

Monthly Labor Review. 12:194-7. Ja. '21. Recent decisions relating to the closed shop.

Nation. 111:639. D. 8, '20. Labor's Valley Forge. Neil Burkinshaw.

Nation. 112:529-30. Ap. 13, '21. How open is the open shop?

Nation (London). 14:366-8. Je. 6, '14. Battle of the closed shop.

National Civic Federation Review. 1:9-16. Jl. '04. Liberty, democracy, productivity and the closed shop. Edwin R. A. Seligman.

Nation's Business. 8:16-17. S. '20. A stand on labor principles.

New Majority. 5:10. Ja. 22, '21 Union or non-union shop, which? Frank Morrison

New Republic. 25:255-7. Ja. 26, '21. Who is behind the open shop campaign. Savel Zimand.

North American Review. 195:618-29. My. '12. The open shop. E. H. Neal.

Open Shop Review. 16:288-91. Jl. '19. Lessons from England's experience. Walter Drew.

Open Shop Review. 17:45-62. F. '20. Industrial unrest. George F. Monaghan

Open Shop Review. 17:213-24. Je. '20. The closed shop press. E. J. McCone.

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Open Shop Review. 17:349-52. S. '20. Open Shop gets endorsement of United States Chamber of Commerce.

Open Shop Review. 17:394-6. O. '20. The Brooklyn rapid transit strike.

Open Shop Review. 17:423-32. N. '20. Americanism in industry.

Open Shop Review. 17:465-76. D. '20. Open shop principle vital to United States. William H. Barr.

Open Shop Review. 17:498-502. D. '20. Why the open shop campaign is successful. William H. Barr.

Outlook. 100:359-67. F. 17, '12. Terrorism in America. W. V. Weehike

Outlook. 125:17-18. My. 5, '20. Labor and the open shop. Miles Poindexter.

Public Policy. 13:268-70. D. 2, '05. Open shop sustained; the boycott condemned; Opinion of Judge J. H. Batty.

Quarterly Journal of Economics. 25:730-41. Ag. '11. The check-off system and the closed shop among the United Mine Workers. F. A. King.

Quarterly Journal of Economics. 30:352-86. F. '16. The National Founders' Association. M. L. Stecker.

Quarterly Review. 216:177-201. Ja. '12. History of the United States Steel Corporation. Edward Porritt.

Railway Age Gazette. 48:1762. Je. 23, '10. Shop efficiency and the labor union.

Review. 1:474-4. O. 11, '19. Principle of the closed shop. R. F. Cutting.

Review of Reviews. 31:589-93. My. '05. The labor question's newer aspects. Victor S. Yarros.

Saturday Evening Post. 177:6-7, 22. O. 29, '04. The open shop.
The labor leader's view. John Mitchell.
The workman's side. Clarence S. Darrow.
The land of the free. Owen Wister.
The employer's side. David M. Parry.

Saturday Evening Post. 192:6-7, 46, 49-50. Ja. 24, '20. Strike against strikes; open shop association of Beaumont, Texas. George Pattullo.

Survey. 31:524-5. Ja. 31, '14. Trade unions and the law. Walter G. Merritt.

Survey. 31:525-6. Ja. 31, '14. Trade unions and the law. Henry R. Seager.

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Survey. 32:304-5. Je. 13, '14 The closed shop and the labor boycott. Henry W. Laidler.

Survey. 37: 192-4. N. 25, '16. The open shop in San Francisco. Henry F. Grady.

Survey. 37:716-17. Mr. 24, '17. The open shop in San Francisco. Robert N. Lynch.

Survey. 43:53-6. N. 8, '19. Closed shop and other industrial issues of the steel strike. J. A. Fitch.

Survey. 43:57. N. 8, '19. Open shop; excerpts from address October 24, before American Iron and Steel Institute in New York. E. H. Gary.

Survey. 44: 532-3. Jl. 17, '20. The closed shop. John R. Commons

Survey 41:494-5. Ja. 1, '21. The open shop developments. William L. Chenery.

Survey. 45:830-2. Mr. 5, '21. Labor and the open shop.

Weekly Review. 3:491-2. N. 24, '20. Strike insurance and the closed shop.

World's Work. 15:9675-9. D. '07. A long winning fight against the closed shop. Harrison G. Otis.

World's Work. 35:481-8. Mr. '18 England has industrial peace—why not we? B. J. Hendrick.

Yale Review. 19:144-58. Ag. '10. Unionism and the courts. George G. Groat.

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CHAPTER II

PROHIBITION OF EUROPEAN IMMIGRATION FOR TWO YEARS

COE COLLEGE

RESOLVED: *That European immigration into the United States should be prohibited by law for a period of two years.*

These are the speeches used by Coe college Affirmative and Negative teams against the Hamline University Negative team at St. Paul, Minn, and the North Western College (Naperville, Ill.) Affirmative team at Cedar Rapids. The debate was held on March 18, 1921, the Affirmative losing to Hamline by a two to one decision and the Negative winning over North Western by the same vote of the judges.

Two weeks previous, on March 3, the results were just reversed, the Coe Affirmative defeating Grinnell College at Cedar Rapids while the Negative team lost to Grinnell at Grinnell, Iowa.

A brief summary of the case against which the following debates were used precedes both the Affirmative and Negative speeches of the Coe teams. These speeches, also the brief and bibliography, were furnished by the debaters, thru Mr. Owen F. Rall, President of the Coe Forensic Board, Coe College.

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BRIEF

PROHIBITION OF EUROPEAN IMMIGRATION FOR TWO YEARS

AFFIRMATIVE

INTRODUCTION:

A. Immigration is one of the most vital problems affecting the welfare of America today.

B. Immigration has been restricted to a certain extent since 1882.

I. The welfare of America makes it expedient that a law to prohibit European immigration for two years be enacted.

A. It is necessary.

1. The number and character of the immigrants have changed.
2. Social conditions in this country demand cessation of immigration.
   a. The immigrant goes to the city, not the country, and adds to the evils of urban congestion.
   b. The immigrant comes from hot-beds of radicalism and discontent, fostered by disease, unemployment and lack of food.
   c. Immigration is adding to our criminal class out of proportion to its size.
   d. Housing facilities are inadequate already.
3. Economic conditions demand immediate cessation of immigration for at least two years.
   a. Immigration is enhancing and intensifying our unemployment problem.
      (1) 3,460,000 men were out of work on January 1, 1921.
      (2) Reports show that the condition is not getting better.

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b. In this period of reconstruction we cannot assimilate large numbers of foreigners; we cannot give them employment. Allowing them to enter is to
   (1) Lower our standards of living.
   (2) Injure our welfare.
   (3) Allow immigrants to compete unfairly with the workers already here.

c. In whole industries native-born and naturalized Americans have been wholly supplanted by immigrants of low standards and few requirements.
   (1) The American workers see that nothing is being done to stop the competition for their future jobs.
   (2) Consequently, they are ready to follow any leader who offers a solution, good or or bad, thus encouraging our radical groups.

B. It is practicable,

1. It will give us time

a. To make adequate our present system for handling immigration.
   (1) Viséing of passports is the only regulation with which the immigrant must comply before embarking for America.
   (2) Thousands are turned away from Ellis Island after selling their homes and coming here.
   (3) Facilities at Ellis Island are entirely inadequate.

b. To write into our statute books a new immigration code.
   (1) We must consider the shortcomings of the present system, the relations of economic and social questions to immigration, and what policy will be fair to America and to the immigrant.
   (2) Congress cannot pass hasty and, at the same time successful, legislation.

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2. It will enable us to solve the problem at its source —it is after all a question of assimilation.
   a. We must have not merely assimilation by legal process, but one that has for its foundation understanding and love; one that has for its purpose making the immigrant a part of us and making us a part of the immigrant.
   b. We have much evidence that we have not had true assimilation.
      (1) Not until May 1918 did we have a co-operative plan for Americanization.
      (2) Since that time more than 75 per cent of the 2,300,000 aliens who have applied for legal assimilation (naturalization) have been unworthy of it.
      (3) True assimilation depends upon getting rid of the idea that the immigrant is a wage slave, and upon doing away with all discrimination.
   c. Is a two year period too long for such a task?

Negative

Introduction:

A. The immigration problem is an old and permanent problem.

B. The scheme proposed by the Affirmative is a new, radical and flexible plan.

I. The present situation is not so serious as to warrant such a stringent emergency measure as the Affirmative proposes.

A. The unemployment situation has been exaggerated.

B. The tendency of the immigrant to congregate in the city has been exaggerated.

1. From 31 to 42 per cent of our rural population is foreign-born.

C. The number of immigrants now arriving has been exaggerated.

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II. A two-year prohibition of immigration is inexpedient.
   A. There is no particular virtue in a two year period.
      1. The time to settle the problem permanently is now.
   B. Freedom of action would be impossible while it was in force.

III. There is a positive need for the immigrant worker.
   A. Unemployment will soon pass.
   B. There is already a shortage of unskilled labor in some industries.
   C. We are confronted by the danger of weakening our industries and losing our national supremacy.

IV. Such a step is an unjustified change in our national policy.
   A. We have encouraged immigration.
   B. It would cause great hardship and distress in the separation of the families.
   C. International complications would follow.

V. There are other ways of meeting the problem.
   A. By the creation of a Federal Immigration Board.
   B. By the adoption of a percentage plan of restriction.
   C. A permanent solution is desirable.

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PROHIBITION OF EUROPEAN IMMIGRATION FOR TWO YEARS

COE COLLEGE

Affirmative Speeches in Debate Against Hamline University

[The contentions of the Hamline Negative were (1) Prohibition of immigration can do no positive good; (2) It will do positive harm by excluding northern Europeans whom we need; (3) There is a better plan. Practically the whole of the Affirmative rebuttal attack was directed against the plan which the Negative proposed. The Negative insisted that its plan of appointing twelve men to compose an immigration commission with subcommittees all over the world would solve the following problems: (1) Selection of the immigrant; (2) Distribution; (3) Economic depressions (by shutting off the flow of immigration); (4) Permanence.]

FIRST AFFIRMATIVE

Harold H. Parker, Coe

Honorable Judges, Ladies and Gentlemen: One of the most vital problems affecting the welfare of America today, is that of immigration. We are all immigrants or their descendants. Our forefathers coming here from northern Europe found a land of almost unlimited resources. They came as colonizers and they pushed the American frontier farther and farther westward. Now this picturesque frontier has disappeared, and the immigrant of the present coming from the countries of Southern and Eastern Europe settles in the city. The report of the Immigration Commission in 1910 states that there is no town or city of industrial importance east of the Mississippi and north of the Ohio and Potomac rivers which does not have its immigrant colony. In these colonies, they have remained living in congested quarters,

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representing nations within a nation, separated from the true America by the prejudice of the natives.

It was not until 1882 that Congress placed the first restriction upon the arrival of the immigrant. Agitation for further restriction culminated in 1917 with the passage of the bill containing the literacy test. This is the present immigration law.

This evening we are considering prohibition of European immigration for two years. The question is stated: "Resolved: That European immigration into the United States should be prohibited by law for a period of two years." According to good authority, the Affirmative has the right to define those terms of the question which may be capable of more than one interpretation. Permit me as the first Affirmative speaker to define the term "immigration." Immigration is the entrance of immigrants into a country, and the word "immigrant" includes any alien not a transient.

Before considering the argument this evening, the Affirmative wishes that three things be thoroughly understood. First, we are not antagonistic toward the immigrant. Second, we do not propose prohibition of European immigration for two years as the ultimate or perfect solution of this vital problem. Third, and finally, we believe that the welfare of America is the paramount issue in this debate.

Therefore, Honorable Judges, the Affirmative will prove the one fundamental proposition: The welfare of America makes it expedient that a law to prohibit European immigration for two years be enacted.

In the first place we have social problems in this country at the present time which make it advisable. These social problems have been brought about by changed immigration.

We all realize the seriousness of the immigration problem which this nation was facing at the out-break of the world war. More than one million Europeans had come to this country in 1914. The war afforded us but temporary relief, for, today, we are learning that people all over the world are looking toward the United States as a very desirable place in which to live. F. A. Wallis, Commissioner of Immigration at the port of New York, testified before the Senate Immigration Committee that the agents of seventeen steamship companies told him recently that the people who wanted to come in one year were equal to ten

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years carrying capacity. Only a limited number can come, however, but it was proved in 1907 and again in 1914 that the steamship companies can transport to the United States over one million aliens every year. Mr. Wallis testified before the Senate Committee that about one million of the strictly immigrant class would come in 1921. Gentlemen, the Affirmative does not base one portion of its argument this evening upon the assumption that literally millions upon millions of Europeans will come here in the next two years. We do argue that all the facts tend to show that immigration for 1921 will be approximately one million people, and that next year, due to increasing steamship facilities the number will be even greater.

The character of the incoming alien body remains practically the same as it was in 1914. In that year, more than four-fifths were Southern and Eastern Europeans. Since 1890, the majority of our immigrants have come from the countries of Southern and Eastern Europe. This change was sudden, and we are only now beginning to realize the full effect which this influx of people with lower standards must have upon this country. Richard T. Ely, Professor of Political Economy in the University of Wisconsin, says that these Southern Europeans have shown an unfortunate tendency to linger in the cities of the Eastern seaboard, swarming in the slums, and intensifying all those social evils which have their origin in urban congestion.

The immigrants coming to this country at the present time are not agricultural in character. According to the report of the Commissioner-General of immigration, only 6 per cent are farmers or farm laborers. Commissioner Wallis stated before the Senate Committee that they are settling in our large cities.

In addition, the countries from which these people are coming are hot-beds of radicalism and discontent fostered by disease, unemployment and lack of food. It is obvious that such conditions existing in any country tend to lower the standards of its people. My colleague will consider this point and its effect upon the welfare of America.

Thus far in the debate I have pointed out certain facts of the utmost importance concerning the number and character of our immigrants. Let us now consider those social problems which have been brought about by this changed immigration, which make advisable its prohibition for two years.

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One of those problems is the present crime wave. Crime has steadily increased in this country until now the American people are viewing with alarm this menace to the nation's welfare. Chicago with one-third the population of London in one year had twelve times as many murders. The census figures disclose the fact that in proportion to their numbers there are twice as many criminals in the foreign element as there are among the native population. Less than one-thirtieth of the population of London is foreign born. More than one-third of the people of Chicago are foreigners.

Closely related to the present crime wave, and to immigration, is the congested, over-crowded condition of the American city. According to Professor Richard T. Ely, the basis of many of our social evils lies in urban congestion. For the last twenty years, our immigrants from Southern Europe have settled in the cities of this country. Coupled with this has been the steady movement of our own people from the farm to the city until today over one-half of the population of this country resides in the cities. Housing facilities have not increased in proportion and Chief Engineer Chase of the United States Housing Corporation says that there are fifteen million people in the United States without decent shelter at the present time.

Now, Gentlemen, what is to be the result if we permit one million immigrants to enter this country in 1921, this number increasing year by year? These people will settle in the cities, for they are not agricultural in character. The city is the place where all kinds of dangerous elements are at work. Commissioner Wallis in speaking of the situation before the Senate Committee stated: "I think it comes from the congested districts in our cities. These people are driven to where they have not enough to eat and no housing conditions. By way of justification, they claim that they are not given a fair show to earn an honest living and so they go out, declaring war against government and against God."

In conclusion, Gentlemen, I have shown this evening that changed immigration has brought about social problems in this country, which make advisable the prohibition of European immigration for two years. I have based my argument upon the one fundamental proposition: The welfare of America makes it expedient.

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SECOND AFFIRMATIVE

Owen F. Rall, Coe

MR. CHAIRMAN, LADIES AND GENTLEMEN: There is one point in the debate this evening about which the gentlemen of the Negative have not formed correct conclusions as to our attitude. They are laboring under the unfounded misapprehension that the Affirmative is proposing prohibition of immigration as the ultimate, final, permanent solution of the immigration problem. Our problem is serious but is temporary; our solution is serious but also temporary, so we must not allow the gentlemen of the Negative to insinuate nor imply that our plan of temporary exclusion is attempting to solve permanently all our immigration ills.

The first speaker in the debate this evening impressed upon us all the magnitude of the great social problem which the present day immigration has brought to this nation, and he justified prohibiting European immigration—which is in reality only curtailing a factor which is adding to our social problem—until we can make some headway toward solving the problem itself.

And there is another result of immigration, the economic, and it is upon this that I base my contentions this evening. There is, Ladies and Gentlemen, an absolute economic necessity of prohibiting immigration for at least the next two years. The country is facing an unprecedented economic situation and to allow a continuation of our present foolish policy of immigration is to enhance and aggravate and intensify that situation.

Faced by economic and social problems which threaten to tear asunder the very fabric of our national existence, we allow immigration to continue, almost unrestricted, and absolutely unlimited in its source of supply.

In this period of reconstruction it is apparent that we cannot assimilate large numbers of foreigners; we cannot even give them employment, so that we cannot admit them without injuring our welfare, lowering our standards of living, and allowing them to compete unfairly with our workers.

In the cities of our land men cry for the opportunity to work—and there is no work. Only last week reports came from

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Chicago showing that only 55 per cent of its industrial workers were employed, and if I had the time at my disposal this evening I could take you through the records of our industrial centers and show you bitter examples of almost whole cities. unemployed. Why, only this afternoon we talked with Mr. Sanders of the St. Paul Chamber of Commerce and he told us that in your city here there have been an average of ten thousand men unemployed since January 1. And he said further that the situation is not improving.

There are those in this country who favor a continuation of our immigration policy, who want an uninterrupted stream of immigrants because they wish to bring labor to its knees by forcing it to compete with immigrants of low standards and few requirements, but I am sure that there is nobody in this audience tonight who concedes for one minute the right of any man or group of men to hold the club of cheap labor over the heads of their workers.

My Friends, our situation is without parallel in the history of the nation. There is but one thing to do and that quickly. We must stop pouring oil on the fire. We must curtail every factor which is contributing to unrest and unemployment. The first step is stopping immigration which is intensifying our problem. The tinder of unrest is dry. To allow immigration to continue unrestricted is to soak that tinder in the oil of continued unemployment—then a spark—and in the flash of an eye our economic structure is gone, and when it goes, our social and political structures stand not one stone upon another.

It is a common fault of young debaters to exaggerate their arguments and over-draw their pictures, but I hold before you tonight the undenied, undeniable fact that there was, according to United States government reports, on the first of January, 4,300,000 industrial workers, who had been employed at the same time the previous year, then out of jobs. Now the Negative may say that this condition is temporary or that it is seasonable and is rapidly improving, but reports which were given to the press day before yesterday (March 16) showed that conditions had grown steadily worse during February. Our unemployment started about the middle of October. It has now lasted almost six months, with somebody crying every day that things were "about to open up." What, Gentlemen, do you

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consider a temporary unemployment? We hope that it is temporary, for hungry men know no laws! And why, Ladies and Gentlemen, even if the situation is temporary should we allow it to be enhanced and aggravated and intensified *one minute longer* by immigration?

Now, the gentlemen of the Negative may attempt to minimize the gravity of the economic situation by saying that there are thousands of farms in Iowa, in Minnesota, in Illinois and in the Dakotas which need farm laborers. But what has that to do with immigration? The immigrant does not go to the farm. Ladies and Gentlemen, as a matter of record, only two out of every ten immigrants who enter the port of New York intend to go to the farm, and, as a matter of fact, a smaller percentage than one out of every ten ever get there.

My colleague has shown the terrible social conditions produced by pouring of this immigrant horde into our cities. And the economic result has been just as sure and disastrous. In many of our industries, native-born Americans have been wholly supplanted by foreigners.

Why is it, Ladies and Gentlemen, that so many Americans have joined radical groups? The newspapers sometimes try to tell us that all these radicals are foreigners, who ought to be deported, but the truth of it is that all too large a proportion is composed of native born or naturalized American citizens. Why? Well when there is a mass of cheap labor, ever increasing, your common laboring man realizes the hopelessness of his position; he realizes that his lot is a hopeless one when immigrants are pouring into the country in an onrushing horde. The standard of living of a common laborer will never rise when there is this mass of cheap labor of low standards and few requirements. Your laboring man sees that nothing is being done to stop the competition for his future job. He feels, rightly or wrongly, that his lot is a hopeless one. He becomes radical. He follows any leader who offers a solution good or bad, and when you have your common workers in that state of mind you have the stage all set for revolution!

I have talked harshly; the situation is a harsh one. The Affirmative is advocating a serious measure; it is to meet a serious situation.

In opposition to our plan, the Negative may have some

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schemes to propose. Honorable Judges, weigh these schemes carefully. This is a time for facts—not pet theories. This is a time to look back and see what actually has happened and not a time to look ahead and imagine in a fanciful way what may happen. We must get at the source of the trouble and we must have a plan which is sure and not theoretical.

Now summarizing our case so far: America is facing unparalleled social and economic problems caused by the changing immigration of the present day. We must have at least a temporary measure and have it now. It must be practicable. It must be easy of enforcement. From this point, my colleague, the third Affirmative speaker, will take up the argument, showing that the drastic measure prohibiting European immigration for two years which we propose is a practicable solution of the social and economic problems which assail us on account of that immigration.

THIRD AFFIRMATIVE

David G. Bleakley, Coe

HONORABLE JUDGES, LADIES AND GENTLEMEN: Thus far in tonight's debate, my colleagues have given two reasons for the prohibition of immigration. My first colleague has shown that the changed immigration has brought about social problems that make necessary the prohibition of immigration. My second colleague has shown that the present immigration has brought economic conditions which are lowering American standards and ideals. If, Honorable Judges, we have convinced you that these changes and conditions are facts and not theories, we have in a large measure convinced you that the welfare of America makes it expedient that a law to prohibit European Immigration for two years be enacted. But there is a third reason: The prohibition of immigration is practicable. It is practicable, first, because it will give us time to do two things.

FIRST: To make adequate our present system. Our present system is inadequate because it has failed to make provisions at the ports of embarkation that would be consistent with our present immigration laws. The only barrier that has ever stood between the prospective immigrant and America has been the viséing of passports by American Consuls, and the only persons

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who are refused the visé of their passports are political enemies, while the passports of convicts, lunatics, diseased, etc. are viséd. Imagine, Gentlemen, what this must mean in the way of disappointment and heartache. Picture, if you can, a family made up of a mother, father, daughter, and wee babe. They have sold all and bought transportation to America. Arriving at Ellis Island, the authorities declare the daughter diseased and the babe a defective. What could be more pitiful than a family separated in a strange land? The father goes on, but the mother, daughter, and wee babe must turn their backs in disappointment upon this land of hope and liberty. Statistics will bear this tragedy out, for in the past twenty-seven years, we have debarred 7000 annually, and in the year ending June 30, 1920 we cast a shadow across the lives of more than 11,000 individuals. Such a policy, Gentlemen, is neither American nor just, and certainly it is not in accord with our principles of Christianity.

Again our present system is inadequate because it has failed at Ellis Island, the principal port of entry. This failure is due to lack of facilities. W. J. Lauck's writings tells us that during the past six months there has been a steady growth of immigration which has overtaxed the government's facilities for handling the new arrivals. In the Review of Reviews for December, 1920, this same gentlemen tells us that Ellis Island is unable to cope with the situation; that 1300 women and children are packed in a room intended for but 250. He also adds that ships lie in the harbor days at a time waiting to discharge their passengers. Why, Gentlemen, our present system is so inadequate that persons enter afflicted with diseases which endanger and place in jeopardy the lives of our own citizens. And yet my worthy opponents would have you believe that it is wrong and unjust to stop immigration while we prepare more adequately for its future reception.

The prohibition of immigration will give us time, SECOND: to write into our statute books a new immigration code. We need the time, Gentlemen, to consider the shortcomings of our present system, some of which I have already pointed out to you and more of which I will point out to you later. We need the time to consider the relation of immigration to our social and economic problems as my colleagues have pointed out to you; and last, we need the time to consider what policy would be best for America and at the same time fair to the immigrant. We admit

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that laws could be enacted tomorrow that would provide for all the shortcomings of our present system, but we do not admit that Congress can make hasty and at the same time successful legislation; neither do we admit that Congress can by legislation make time, and time, not laws, is the factor that must be considered in reorganizing and building up a constructive immigration policy.

The prohibition of immigration is practicable, secondly, because it will enable us to solve the problem at its source. The immigration problem cannot be solved by saying whether one or one million immigrants may come to this country; neither can it be solved by drawing a classical and academic distinction between nationalities, characteristics, and native backgrounds, nor can the solution be found by setting up drastic inelastic laws. The solution, Gentlemen, is to be found primarily in the proper and intelligent solution of the problems of assimilation. I do not mean assimilation based on sentiment; I mean assimilation that has due regard for the economic, political, and social interest of both the immigrant and America. I do not mean mere legal assimilation through naturalization. I mean a finer assimilation, one that has for its foundation understanding and love; one that has for its purpose the making of the immigrant a part of us and the making of us a part of the immigrant. That, Gentlemen, is true assimilation, and the only real basis for the solution of our problem.

But let us see what evidence we have that assimilation has not always been of such a nature and what evidence we have that it is not now of such character. With the beginning of the twentieth century a decided change took place in immigration. This change was due to the disappearance of free land. What does this change mean? Why, it means simply this: That the immigrant no longer goes to the farm but goes to the city and becomes a part of some foreign group; consequently, the process of assimilation has changed from an automatic one to one that will require effort on our part. Now let us see upon what basis present day assimilation depends. First, it depends upon a program for Americanization. Now, Gentlemen, it is not the purpose of the Affirmative to discourage or belittle the efforts of any person or group of persons in their attempts to Americanize the immigrant. We only propose to lay before you facts and figures

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that will show the relation between success and failure along this line. Until May, 1918, we did not have a cooperated program for Americanization. But in that year Congress authorized the Department of Labor to cooperate with the public schools in citizenship training. Since that time 2240 cities have cooperated with the federal government in making legal citizens, and in the two years following the act more than 2,300,000 aliens sought citizenship, but even with our low naturalization requirements, more than one and three quarter millions, or more than 75 per cent, were not qualified for American citizenship. Think of it, Gentlemen, out of every four aliens who apply for citizenship three of them are not qualified, three of them are deficient, three of them do not measure up to our standards of citizenship. If the work up to this time has been so unsatisfactory and so unsuccessful, it would be folly to permit one more immigrant to enter this country. Prescott Hall, the eminent immigration authority, says that neither distribution nor Americanization is possible while one or two million alien types are pouring into the country. And remember, Gentlemen, this is merely legal assimilation; it is not that finer assimilation that makes the immigrant a part of us and us a part of the immigrant. This finer assimilation depends upon one great factor and that factor is the attitude of the American people. True assimilation cannot take place so long as the American people think of the immigrant as a wage slave; so long as we discriminate and have in our hearts no love or sympathy for our brothers of a different native tongue. But do we think of him as a wage slave? If the statement of a great steel magnate that every immigrant is worth $5,000 to this country, be true, we do. If, according to Immigration Reports, more than half our immigration goes to four industrial states on the north Atlantic, we do. If the recent action of the Senate, while listening to the voice of big business, voted down the Johnson Bill is an indication, we do. But do we discriminate and have in our hearts no love or sympathy for our brothers of a different native tongue? If, Gentlemen, we take the attitudes I have just mentioned, we certainly do not have love nor sympathy for the immigrant. If we foster laws that will permit the entering of beggars, etc., who, if they are found at the end of five years must be deported regardless of their status, we discriminate. If we deport un-

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fortunate foreign girls and fine unfortunate native girls but ten dollars, we do discriminate. In short, what evidence have the Affirmative that true assimilation is not taking place? First, we point to more than 300 national racial societies with more than 42,000 branches, and to 85 nationalistic organizations. Also, we would tell you that there are more than 1,000 foreign newspapers representing all languages; and that there are thousands of foreign colonies throughout the land. Think of it, Gentlemen, we are literally nations within a nation. We are America, but we are also Italy, Spain, Greece, and all the rest of the European countries. What are we to do? Shall we set up dual standards and dual citizenship, or shall we face the issue squarely and say to ourselves that we, as American citizens, will lay plans, and make a real effort to Americanize the 17,000,000 foreigners within our borders. And I would ask the gentlemen of the Negative if two years is too long a period for such a task? Until we change that spirit and make it consistent with righteousness and justice; until we formulate other than a legal program for assimilation it would be expedient to America's welfare to prohibit immigration.

In conclusion, Honorable Judges, I have shown that this plan is practicable, for: it will give us time to make adequate provisions for future immigration, and also to solve the present problem at its source. The Affirmative has shown that this plan in the light of existing conditions is desirable; that it is a logical step toward the remedying of these conditions; and that it is practicable. In the face of these facts the Affirmative therefore contends: That the welfare of America makes it expedient that a law to prohibit European Immigration, for two years be enacted.

FIRST AFFIRMATIVE REBUTTAL

Harold H. Parker, Coe

HONORABLE JUDGES: The last Negative speaker referred several times to the fact that we have a "slight industrial depression" in this country at the present time. Do the Negative consider that three and one-half million American workmen out of employment constitute but a slight industrial depression?

Permit me to call to your attention just one of the incon-

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sistencies of the Negative this evening. Their third speaker stated in his constructive speech that they would put their plan with all its many details into effect immediately, and then he stated that while the board which they propose to establish is gathering statistics, they would admit only certain classes. How long will it take this board to gather these statistics, and how often will they have to review the situation? Will they go to labor or will they turn to the capitalist when they seek this information? We want the Negative to tell us explicity before the close of tonight's debate just how many immigrants they believe the board should admit under the present conditions, from what classes they should come, and how they should be selected.

Now, the Negative, besides proposing a plan, have based their debate upon two contentions this evening: First, that our plan can do no positive good, and, second, that it would injure our national welfare because we need the immigrant.

Taking up the first of the Negative's contentions, let me point out a few facts concerning the typhus epidemic to which this nation is exposed at the present time. According to the best authorities typhus infected immigrants have been admitted into this country, because of inadequate facilities at the port of New York. Dr. Royal S. Copeland, Health Commissioner of New York City, stated recently that one infected immigrant might start a plague in New York City which would cause a million deaths inside of a few weeks. Certainly, the Negative cannot contend that prohibition of European immigration would do no positive good if it gives us time to make adequate these facilities, and thus keep these immigrants from endangering the welfare of America.

The Negative have stated that prohibiting immigration would not relieve the present congestion in our cities. It would most certainly keep the present situation from being aggravated, for the immigrant at the present time goes to the city. Our opponents have contended that the immigrant goes to the country, and they have pointed out that we need farm laborers. This has been the basis of their second contention that it would injure our national welfare because we need the immigrant. Now, Gentlemen, it is true that we do need farm laborers, but according to the forty volumes of the Report of the Immigration Commission, which the Negative say they have at their dis-

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posal, the immigrant does not go to the country. Permit me to give you two of the conclusions of the Commission. It says: "It is clear that the tendency of the new immigration is toward industrial and city pursuits rather than toward agriculture," and again, "The increase in foreign-born is an increase in city population." Let us not confuse the real issue this evening, which is unemployment in our cities, for there is where the immigrant goes.

Next, let us consider the plan which the Negative have set forth this evening, a plan which they say is the permanent solution of this vital problem. According to the gentlemen of the Negative, their solution will be just as adequate a hundred years from now as it is today. Its essential feature is a board which will have absolute control of our immigration problem. They have told us that the board will distribute, regulate, and select the immigrants, but they have not given us the faintest idea of how this is to be accomplished. They have assumed that the board would select only the Northern Europeans, but according to the conditions which they have laid down this would not necessarily be the case. The fact remains that whether we let Northern or Southern European immigrants come into this country, we are letting in people who settle in the cities, thus intensifying and aggravating our social and economic problems, and vitally endangering the welfare of America.

SECOND AFFIRMATIVE REBUTTAL

Owen F. Rall, Coe

LADIES AND GENTLEMEN: Allow me to reiterate that the Negative is misunderstanding the nature of our proposal. We do not propose prohibition of European immigration as the ultimate solution of our immigration problem; it is a serious temporary measure to meet a serious temporary situation. The Negative has asked again and again what we will do at the end of two years. My colleague told them that we were not divine prophets,—that if we were we wouldn't be here debating this evening—but the Negative gentlemen insist on knowing what we will do at the end of two years.

Ladies and Gentlemen, I'll tell you what we'll do. We will

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get right to work to form a permanent plan and we will put the machinery in shape to deal with the problem when the two year ban is lifted. Why, Gentlemen of the Negative, if you can convince us that the cumbersome and idealistic plan which you propose is the real solution of the problem, we'll take even that plan and put it into operation at the end of the period allotted.

The Negative has not been content with waiting and planning and building for the future during our two year period. The third Negative speaker said that his plan could be put into operation "at once" and in the same speech said that it could be put into operation in "six months." Now which does the gentleman mean? "Six months" is not "at once," for this nation is facing an emergency, for which, the remedy must be measured in days and not months.

Now what is this panecea which the Negative proposes as the solution for selection and distribution of immigrants and for our economic depressions? The gentlemen say that it will be permanent and they say in honeyed tones that their plan will "promptly and efficiently meet every situation which may arise."

Now what is this plan? It is the appointment of twelve men to form an immigration board to have absolute charge of all immigration. They will be immigration tyrants. Their word will be law. They will have subcommittees in Europe to do their bidding. Why, Ladies and Gentlemen, there never has been a cumbersome plan such as this which ever succeeded. We want to ask the Negative again how the immigrants will be selected. They have told us that it will be done scientifically. But that answer is vague and unsatisfactory. Now, Gentlemen, just HOW will you select the immigrants?

Then this same board will distribute the immigrants. How, Gentlemen? Why, you say that you will send them to the place where they are needed and no other. How will you keep them there? There is no power short of God's power which will keep the immigrants "distributed," and you know it. You would have to keep a watch on every immigrant. You would have saddled upon this country a system such as was never attempted before. It would be a failure—an absolute failure—unless you turned it into slavery and in this country that is impossible.

Now, the third great boast which the Negative makes for its

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plan is that it will provide for shutting off immigration during depressions and allowing it to continue during prosperity. We have asked them again and again "HOW will you do this?" and each time they have said that their board would do it "scientifically."

We have asked the Negative, "What would your board do under the present circumstances?" and they have made no reply.

How, Gentlemen, are you going to determine what the true economic conditions of the country are today? Will you ask capital what they are, or will you ask labor? You say that you will regulate immigration according to the interests of the nation. What are the nation's interests? Are they the interests of capital or the interests of labor?

Ladies and Gentlemen, will you allow a board of twelve men, no matter how high minded to tell you what your interests are? Will you allow them to say when the gate shall open and how far it shall open; when the gate shall close and how far it shall close; what the economic conditions were on the thirtieth of June and what they will be on the twenty-third of December and on any intermediate day? No! No! We will not allow our nation's interest to be dictated by any board or commission.

The gentlemen in their constructive speeches made a big point about permanence. They knew that our plan was not permanent so they said a lot about requiring a plan which will settle the immigration problem as it will exist 100 years from today. But they have said not one word about it since they proposed their own plan. Now let the next speaker of the Negative answer some of these questions. Let him show us how they know that his plan is permanent and will last a hundred years.

The gentlemen of the Negative, I am sorry to say, have not been altogether accurate in their statements this evening. They said that 180,000 northern European farmers are anxious to come to America and that we would shut them out. Gentlemen, how do you know that there are 180,000 farmers wanting to come from Europe? In the fiscal year ending June 30, 1920, only 27,549 farmers and farm laborers came from all over Europe, and this includes the Italian goat-tender and vineyard worker, whom you would exclude. Now what is your authority for stating that 180,000 farmers will come to America AND GO ON THE FARMS in the next two years? How do you know that even

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the 27,000 farmers out of the 430,000 immigrants who came last year actually went to the farms?

I want to correct just one more false impression which the gentlemen of the Negative have left with you. They have said that the Congress of the United States has put its stamp of disapproval on the plan to prohibit European immigration. They mean that the Senate, whose ear—so some people say—listens to the voice of big business, has defeated the Johnson Bill providing for prohibition of immigration. The House of Representatives composed of 435 legislators voted by the overwhelming majority of 295 to 41 to pass the Johnson Bill, and the Senate, composed of 96 members, was able to muster a much smaller majority—43 to 19—by which to defeat the measure. The Negative have presumed falsely, then, that the measure which we advocate has been disapproved by the legislators of the nation. As a matter of fact, the Dillingham Bill passed by the last session of Congress would have become prohibition at the end of three months, and Congress thus recognized the principle of prohibition of immigration.

THIRD AFFIRMATIVE REBUTTAL

David G. Bleakley, Coe

HONORABLE JUDGES, LADIES AND GENTLEMEN: The gentlemen of the Negative have proposed a plan which according to them will eliminate the necessity of prohibition. In proposing such a measure, they have voluntarily assumed the burden of the proof. In assuming that burden, they have failed to prove entirely the practicability of their plan. They have been requested by the Affirmative to explain clearly what methods they would employ in the selection, distribution, and assimilation of the immigrant. This they have failed to do. We admit that it is a logical and possible plan, but we do not admit that scientific selection can determine the heart, mind and character of the immigrant. If they apply that theory of selection, they have reduced the immigrant to a mere machine. We do not agree that their plan of distribution is a perfect one. It is all well and good to say that they will place the immigrant in the districts where he is most needed, but the Negative have given us no assurance that the newcomer will not seek out a foreign

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group in some city when left to his own devices. The Negative have admitted that a generation would be required to assimilate the present foreign population, and yet in the same breath they would have you pour more oil upon the tinder which is overly dry.

The Negative have also said that under their plan 180,000 farm laborers would be admitted from northwestern Europe. The figures of the Immigration Commission, however, do not bear the truth of that statement out, for in the fiscal year ending June 30, 1920, the total immigration from northwestern Europe was only 65,000. If the average number of farm laborers was but 6 per cent, it only remains to say that 3,900 farmers and farm laborers would come to us.

The regulation of immigration by a board would not be of a wholly satisfactory nature as the second speaker of the Affirmative has shown you. Will you have a Board determining what your wants are and determining immigration?

The gentlemen of the opposition have also favored the Dillingham Bill. If, Honorable Judges, they favor this bill they must admit our theory of prohibition, for the bill in itself is but a temporary measure and a political compromise. It is also virtually a prohibitory bill, for it provides that 355,000 immigrants may enter this country in the next fifteen months.

At the present rate of 103,000 immigrants each month, by the end of four months the quota would be here, and for the next eleven months not a single, solitary immigrant could enter this country. It is logical to think, then, that the argument has reduced itself to a quibble over the difference between twenty-four months and eleven months.

We do not contend that our plan is the perfect or the ultimate solution; but we do know that our plan will enable us to give birth to a new policy and to attend the infancy of that new policy in understanding, not ignorance; in patience, not in haste. If, Honorable Judges, we have convinced you that these social problems, economic problems, and problems of assimilation actually exist; that they are conditions we are facing and not theories, we have established the correctness of our theory of prohibition, and we have every right to our contention: That the welfare of America makes it expedient that a law to prohibit European immigration, for two years, be enacted.

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Negative Speeches In Debate Against North Western College

[The contentions of the North Western Affirmative were that present immigration is undesirable from the standpoint of the economic, social, and political welfare of America. Its arguments were more against immigration as a whole than favorable to temporary prohibition.]

FIRST NEGATIVE

Julian E. Jackson, Coe

Ladies and Gentlemen: The question we are discussing this evening is an old one. This is a nation built from a polyglot mixture of immigrants. We Americans are all, strictly speaking, immigrants and aliens in a strange land. Immigration has been argued pro and con ever since this country was established. In 1765, Thomas Dongan in a letter to the king of England lamented the results of a great influx of immigrants into the Royal Province of New England. And then in 1817, over a hundred years ago, the Immigration Commission, in a report published in the Niles Register, states that immigrants are already too thick on the American maritime frontier. In that year only five thousand immigrants came to this country from all the countries of the world. These quotations and many like them which are scattered throughout early American history refer to a class of immigrants which today even the most rabid restrictionists class as "desirable." Let us remember, then, that the same condemnation that is today falling upon the head of the "new immigrant" the Italian, Greek, and Slav, was once called down upon the "Old immigrant," the German, Scandinavian, and Irishman.

The problem, then, is not a new and startling one, but an old one. It is probable, moreover, that like the poor it will be always with us. When the Affirmative tell us that we have an immigration problem, we agree. But when they tell us that because of that problem we should pass a law prohibiting all immigration for two years, we of the Negative do not agree. What will be the effect of such a measure as they propose? Briefly it will mean that every European immigrant, no matter from what coun-

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try he comes, no matter what his character, training or ideals, will be barred from entering our country for an arbitrary period of two years.

It is needless to tell you that this is a radical and extreme measure; that it savors of the absolute edicts of an oriental potentate. Its provisions are more extreme than those of any of the immigration bills which have received serious consideration in Congress. Indeed, the late Johnson Bill, which lacked some of the extreme features of this proposal, brought down shouts of condemnation against its radicalism in the Lower House where it had to be modified to extend only fourteen months. Even in this modified condition it was overwhelmingly defeated in the Senate, the highest governing body in our land.

Such a measure as the Affirmative have proposed is contrary to all American ideals and principles. It ignores all our experience in selecting and training our immigrants to become American citizens and ignores all our debt to the foreigner for the part he has played in building up our industries and developing our resources and says to one and all, good and bad alike, "stay out—STAY OUT."

Such a measure is contrary to all the recommendations of all our federal immigration commissioners, it opposes the wishes of the present commissioner at the Port of New York, and of the Federal Commissioner of Immigration. Such a plan has not the approval of the House Committee on Immigration, and has been positively denounced by the Senate Committee. Moreover such a plan is opposed by American public opinion if it is correctly reflected by the majority of the newspapers and periodicals of the country. What the American people are demanding is not a radical measure blindly prohibiting all immigration for an arbitrary period of two years, but a sane, intelligent policy of selection, distribution and education.

What excuse does the Affirmative have then for offering us this radical measure? They say there is a critical period at hand, an emergency if you please, which demands some stringent temporary application.

What is the condition today? We have been told that there are more than three million laborers out of work. Ladies and Gentlemen, this is an estimate—plainly speaking, a guess—made by the Department of Labor on January 1. That condition was

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temporary, and we contend that it is already improving. The statement of the Affirmative refers to conditions that may have existed on January 1, and not on March 15. No official figures have been issued since that time, and yet we have the statement of W. P. G. Harding, governor of the Federal Reserve Board, that an economic crisis occurred in December, just before the date of the Affirmative's report, and that general economic conditions are now rapidly improving. On this statement it is safe to base an assumption that the unemployment situation must be improving. A recent newspaper clipping proves this contention as far as one locality is concerned. This account states that the situation is now much improved in Des Moines, Iowa, and that unemployment is not now a serious problem.

According to a report recently presented on the floor of Congress, the newspapers of every large city in the country are now carrying three times as many ads for help wanted as for jobs wanted. We have taken the trouble to investigate this statement in regard to two prominent newspapers of the Middle West. We find that in the Chicago Tribune the ratio is even higher than this reported average, while in the Kansas City Star the ads for help wanted were slightly less than three times as many as for jobs wanted. As far as these two representative papers are concerned then the report was substantially correct. And yet our opponents say that there are today more than three million men out of work.

Let us remember further that winter unemployment is not an unusual or alarming condition. Industry normally slows up during the winter and farm laborers always drift to the city in cold weather seeking indoor work. These two factors normally cause some measure of unemployment during the winter.

Now we contend that the American farmer today is crying for help, and we do not believe that the Affirmative will deny this statement. Authorities say that farmers all through the northwest need more men. But, say the Affirmative, the foreigners do not go to the farms but congregate in the cities. In order to show you that many immigrants go to the rural districts let me quote from the recent census figures. These figures refer to the percentage of foreign born or of foreign parentage in the rural population. For New York, New Jersey, and Pennsylvania, 31 per cent; Ohio, Indiana, Illinois, Michigan and Wisconsin, 32 per

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cent; Minnesota, Iowa, Missouri, North Dakota, Nebraska, Kansas, Montana, Idaho, Colorado, New Mexico, Arizona, Utah, and Nevada, 40 per cent; Washington, Oregon, and California, 42 per cent. How many of our great cities have more than 40 per cent of foreigners in their population? Statistics also show that those states having the highest percentage of foreigners in their population have the highest percentage of cultivated farm lands.

The Affirmative may say that these figures refer to the past and not to the present type of immigrant. Let us get down to more recent figures then. Hugh Reid of the United States Department of Agriculture says that for the five years preceding the outbreak of the European war, taking emigration as well as immigration into account, we actually lost over ten thousand unskilled industrial workers whereas we actually gained over a million farm workers. He further states that the farm laborer from Europe has shown a greater tendency to "stick" than the unskilled industrial worker. We contend, then, that the immigrants do not all congregate in the cities.

Now the Affirmative have told you that in the face of alarming and unusual conditions in the United States we are admitting millions of foreigners. They have quoted stupendous figures as to the numbers now being admitted at Ellis Island. Just in passing let me point out that these figures refer to the total immigration from all countries of the world, and hence contain a large number of incomers that would not be hindered under the provisions of the Affirmative's proposal. Further let me point out that emigration normally takes care of from forty to fifty per cent of the total numbers.

And so I have pointed out that the problem we are discussing this evening is an old one, that the plan proposed by the Affirmative is a radical and stringent measure applied for an arbitrary period of two years, and then we have shown that the present situation does not warrant the application of so stringent a measure, since the situation has been exaggerated in regard to the unemployment conditions, the tendency of immigrants to congregate in cities, and the numbers of aliens now seeking entry. Since the present situation is not so serious as to warrant such a stringent emergency measure, we contend that European immigration into the United States should not be prohibited for two years.

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SECOND NEGATIVE

James W. Laurie, Coe

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: My colleague has put before you the proposition that we should not adopt a law prohibiting European immigration for two years because the present situation does not warrant such a stringent emergency measure.

In continuing the case for the Negative this evening, there are two reasons which I shall give to prove further the fallacy of the measure which the Affirmative upholds: First, Two year prohibition of European immigration is inexpedient, because there is no virtue in a two year period, and because the law as proposed is too drastic in effect; Second, the welfare of America and her industries demands the immigrant worker.

In the first place, I should like to ask the Affirmative this evening: What virtue is there in a two year period? We call attention to the fact that no reasons have been given for arbitrarily selecting *two* years, which would not be equally applicable to a period of six months, or three, five, or ten years. Even our American Congress has denied not only the practicability of total exclusion, but also the practicability of the two year period, by passing a restrictive measure, effective fifteen months. If Congress, after studying conditions, and deliberating on numerous bills calling for the prohibition of immigration for periods varying from one to ten years, *junked them all,* we ask the Affirmative on what authority or principle they base their absolute statement that two years' prohibition of European immigration is the solution of our present problem.

The Affirmative may argue, as a possible defense of their plan, that it would afford us time to study the problem carefully and decide how to act. It is plausible that this might be correct in theory, but it does not prove so in actual practice. The natural tendency of the American government, if given a definite time to perform a task, is to put it off to the last minute and then not complete it. Thus, to inaugurate a plan such as the Affirmative proposes would simply mean to *drop* the question of immigration for nearly two years, taking it up again for action during the last few months of the time allotted.

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Gentlemen, we have been delaying action on this serious immigration question long enough and have no right to *continue* this hesitancy with a *makeshift* plan which will do more harm than good. We would have no better knowledge of the question at the end of two years than now. As a nation, we realize the problem which awaits solution, and authorities are urging immediate and intelligent restrictive measures. Congress is awake to the proposition and *has* been studying it carefully. Reports of investigations and surveys are completed and all the necessary facts are at hand. With this great stimulus to act, two year postponement is unnecessary, and is a weak and valueless substitute for adequate legislation.

The Negative denies the expediency of two year prohibition for another reason: It is a hard and fast law, effective, if passed, for an exact period of two years and absolutely inelastic in action. It does not take into account the different types and classes of Europeans, but drastically excludes all.

Think of it, Gentlemen, because there are a few undesirable Europeans, as there are undesirable Americans, the Affirmative proposes a plan which classes them all as undesirable. They would have us keep out the very races whose forefathers founded this country, made it what it is, and from whom most of us are descended. Yet under its provisions the African Negro would be admitted—admitted in preference, even, to the highly educated Englishman, Frenchman or Scandinavian.

Honorable Judges, the legal effect of such a law would be for two years; but the effect on the attitude of Europe toward America and the subsequent trade relations would never be overcome. It would certainly be looked upon as a hostile move, hurt our international standing, and greatly hinder the sale of American products in Europe. With our greatest market impaired we *would* truly have unheard-of labor troubles, and the pictures which the Affirmative have painted tonight would actually come to pass. Thus, we would defeat the very ends we are attempting to gain by two year prohibition of European immigration.

Therefore, Gentlemen, the plan advanced by the Affirmative is inexpedient, as there is no virtue in a two year period and the measure as proposed is too drastic in effect.

William McClellan, Dean of the Wharton School of Com-

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merce, recently stated: "The constant addition of raw labor is indispensable to America." My second reason then, for not favoring a law prohibiting European immigration for two years is that we need the immigrant. As necessity for immigration depends largely on the demand for workers, let us turn our attention to business conditions of the present.

My colleague has shown that the conditions of unemployment, which the Affirmative have cited, have been greatly exaggerated. But granted, that during the past winter season there was a large amount of unemployment, this condition was due, in addition to the normal slow-down of business and farm work at that time, to abnormal trade conditions which have practically passed. These trade conditions, by causing general business depression, and putting the brake on production, threw many men out of work. But, Gentlemen, because these conditions *have* existed at one time, it is foolish to consider that they *will* exist for two years, necessitating such an extreme action as the complete cessation of all European immigration for that period. In point of fact, Honorable Judges, authorities agree that the problem of unemployment is only temporary and not in the least alarming.

Industrial leaders, such as Charles Schwab, Louis Marshall, and E. H. Gary asserted recently that the tide of business depression was turning toward better times. Herbert Hoover states that American business is being slowed down by the credit and trade conditions of Europe, and that with the definite decision of peace terms will come the immediate stabilization of business. Gov. W. G. P. Harding of the Federal Reserve Board says that the most trying period of readjustment is passed.

In a late issue of the Literary Digest, eminent financiers and labor leaders thruout the country confirm these statements with the general concensus of opinion that the bottom of business depression has been reached, that conditions are beginning to improve, and that complete recovery will be wrought during the next month or two. Even the pessimist placed the date for completed recovery as June of this year, while not one of them believed business depression and unemployment would last two years.

Thus, it develops that the problem of unemployment will soon pass, and one of obtaining laborers will present itself. As soon

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as something like normality is reached in our industries, there will be the greatest demand for laborers in our history. There are countless things which the European does that the American can not or will not do. The average American does not want to delve underground for coal nor endure the heat and strain of steel mill or sweat shop. Yet this work must be done. If the hardy, strong, European can do it, will do it, and does do it, while the American is not fitted or does not want to fit himself for such menial tasks, we are doing ourselves an injustice by prohibiting European Immigration. Were it not for the foreign-born worker in the unskilled classes of labor there would be no place for the skilled American worker. Overlooked by most Americans is the fact that at the present time immigrant workmen are mining three-fourths of the coal of America, baking one-half of the bread, packing three-fourths of the meat, refining one-half of the sugar, making one-half of the shoes and manufacturing three-fourths of the steel.

Coal, bread, meat, sugar, shoes, steel,—all essentials to each one of us, and each a line of work to which the immigrant is absolutely indispensible.

Honorable Judges, when we talk of needing the immigrant, we are not talking about the past, nor are we speaking of the far distant future. We are talking about present times. Never before has there been such a plea for laborers on the farms of America. In our industrial world we are fast approaching the other extreme from business depression. Authorities state that as soon as trade conditions liven up, we will find ourselves between four and five million workmen short in our basic industries. Over 25 of the largest and most representative industries in America are organizing in their plea for more workers before many months.

The question for us to settle then, in deciding the merits of the two year prohibition plan is whether we want to decrease our production and weaken our industries,—or maintain our industrial supremacy, by continued expansion. Our financial situation is the best of all the powers. But we cannot grasp our opportunities without men. In order to secure these men who are needed and yet obtain the type which will make a desirable American citizen, we must turn our attention away from makeshifts

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and direct it to some plan of intelligent restriction, discriminating between the good and the bad.

As second Negative speaker, therefore, I have shown first, that two year prohibition of European immigration is inexpedient, because there is no virtue in a two year period and the plan as proposed is too drastic; and second, that the welfare of America and her industries demands the immigrant worker.

THIRD NEGATIVE

Millard Joslin, Coe

MR. CHAIRMAN, LADIES AND GENTLEMEN: My colleagues have shown you that we are in no immediate danger of being overwhelmed by millions of immigrants coming to our shores, that there is no particular advantage in shutting out all immigration for an arbitrary period of two years and that there is a positive need for immigrant workers. There is a fourth reason why immigration should not be completely prohibited. Such a step is an unjustified change of national policy. Only the most extreme and dangerous situation would ever warrant its consideration.

We are an immigrant nation. Our national development and progress has been inseparably linked with the immigrant and immigration. We have prided ourselves on our far-seeing and democratic policy in welcoming the immigrant to our shores and have declared our country to be the land of equal opportunity. We have pointed to our peculiar type of American character with pride. And what is this American character? It is the result of the mixing of the various national types into one. In this respect we are distinctly different from all other nations and we cannot help but realize the part that immigration has played in contributing to this. For more than two centuries we have placed practically no restrictions on the number of immigrants we have received, yet this evening the Affirmative advocate that we put a stop to all this and at once. We have arrived at that point where we can no longer better our national type of American character by the addition of even the very best immigrants.

Though there are many times when we do not appreciate the fact, most of us are the descendents of immigrants. We are here. To many, it matters little just how we happen to be in our

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present situation, but the fact remains that we are here, and are now in a position to shut the doors and keep out all others who would like the opportunity such as we have had. It is hard to venture what the results of the adoption of such a policy forty or fifty years ago would have been in our country. About one hundred years ago Thomas Jefferson contemplated purchasing the great territory of Louisiana. At that time the citizens of Boston declared themselves absolutely against any such step, for, said they, the United States would never be able to assimilate such a vast amount of territory, and the effect of its annexation would be very harmful to our national growth. Tonight the same arguments are being advanced against permitting any more immigrants to come to the United States.

Such a law—complete prohibition—is without parallel in the history of civilized nations. Does it not make its adoption all the more unreasonable when the first country to take this step is America, the greatest democracy among the nations? Migrations are as old as history itself and they will continue in spite of man-made laws to prevent them. When we view such a step as shutting out all immigration in the light of its effect upon our relations with other nations we can understand that its adoption now is very untimely. In the last twenty years we have risen from a place of comparative obscurity to a position as the world's greatest nation. Fifty years ago we would have had only ourselves to consider, but today our every act has its effect upon international relations. We are not advancing this argument as a bugaboo or scare but we do maintain that we must avoid the international friction that such a step is bound to produce.

Yet, even if we were to concede the principle involved in the adoption of such a policy, the suffering such a step would cause would be a sufficient argument against its adoption. In this country at present there are thousands of foreigners who have left their families in the land of their birth and are expecting to bring them to America as soon as possible. The separation of fathers, mothers and children will cause great hardship and distress. A great number of those now entering are of that class. Miss Kellor, former Chief of the New York Bureau of Industries and Immigration during the war, says in regard to this,

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"A suspension of immigration would interfere with the present Americanization plans. In the first place, to some extent it would increase the separation among the families, which would lead to hardship and resentment. I could say that it would be decidedly a handicap to Americanization."

Upon what grounds can we justify our stand if we say to the immigrant worker in this country: "You may stay. We want you and your labor but we have no use for your family." Certainly we shall either have to devise a new set of national principles or permit such a step to pass unjustified.

Thus far, the Negative have shown that we are in no immediate danger of being overwhelmed by millions of immigrants coming to our shores, that there is no particular virtue in shutting out all immigration for an arbitrary period of two years, and that there is a positive need for immigrant workers. We have shown that such a step would be contrary to our traditional policy and is a step never before taken by any nation in history. There remains but one thing: The presentation of a logical solution of our problem.

We of the Negative would seek a solution in some plan of intelligent, constructive regulation of immigration. In presenting these plans we wish to make it plain that we are not advocating any particular one of them. Nor are we assuming one whit of the burden of proof by so doing. We merely wish to point out that there are other and more logical ways to effect a solution than by the plan presented by the Affirmative this evening. The National Committee for Constructive Immigration Legislation has evolved a plan which is a very good one. Under it a Federal Immigration Board is created. It is composed of the Secretaries of State, Interior, Commerce, Labor and Agriculture. A sixth member appointed by the President acts as the chairman of the Board. These men by the use of a flexible percentage plan are given the necessary power to efficiently and constructively regulate our immigration problems for the best interests of the nation as a whole. Under this act the standards of naturalization are raised, and this is of importance. The plan strengthens our deportation laws and makes necessary a pledge of obedience to the law by the immigrant upon entering this country. It provides for better and more efficient methods of Americanizing the

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immigrant, and is a solution that will promote right relations with other nations.

Another form of solution presents itself in the Dillingham Bill which was just recently passed by both Houses of Congress. In its present form it admits some 360,000 immigrants during the next fifteen months on the basis of a percentage plan. Three per cent of the number of foreign born or children of foreign born from any particular country now in America will be admitted during the next fifteen months. For example, if the Greeks and children of foreign-born Greeks in this country number 100,000 during the next fifteen months we will admit 3 per cent of that number or 3,000 Greeks. The Dillingham Bill aims to stimulate immigration from those countries whose immigrants seem to be the most easily assimilated and tends to restrict the flow from other countries. It is constructive as well as restrictive.

It cannot be denied that there are in Europe, at present, thousands of the most desirable type of immigrants. There are undesirables also, but why should we prohibit all immigration merely to keep out this class? We can use every immigrant who is a hard and efficient worker. Why should we prohibit all immigration when by a selective process such as the one just passed by both houses of Congress we can secure for ourselves the best, and still keep out the undesirable element? Instead of approaching a solution with our eyes shut we should seek a solution calmly and dispassionately. By some plan of intelligent, constructive selection of the immigrant we can secure any real advantage which might be found in complete prohibition and still not be confronted with its disadvantages.

What we very often overlook is the fact that America is not the only place for the immigrant to go. The truth of the matter is that the greater share of the European emigrants are going to other countries, to South America, in particular. The very class of immigrants which the Affirmative has declared to be of the most desirable type are going to South America in large numbers. If for two years we shut out all immigration and direct the flow to other countries, when we want the immigrant we will be unable to get the class of people we desire. They will be contributing to the growth and development of new growing world powers whose products will be in direct

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competition with ours. Let us not for some fancied or even real temporary advantage, discount the future by prejudicing our potential customers against us.

The advantages to be gained from prohibition are small at most. And it involves the repudiation of American principles and a veritable killing of the goose which lays the golden egg and all for the sake of fancied temporary gain.

FIRST NEGATIVE REBUTTAL

Julian E. Jackson, Coe

Before taking up any direct rebuttal of the opponent's arguments let me first point out a few facts in regard to the case of the Affirmative.

Our opponents have said that there are bad conditions in our own country which we should remedy before we allow more foreigners to enter. And yet, the plan which they propose does nothing to remedy those conditions. Instead of seeking a solution they are offering to postpone the solution of this problem for two long years.

We of the Negative have contended that the immigration problem demands a policy of selection, distribution, and education. If the Affirmative contends that such a solution is impossible, then they are arguing for complete prohibition of immigration for all time. By making their plan only a temporary one they are admitting that immigration is necessary and desirable, and that some plan must be found to properly care for our immigrants.

Further let me point out that although the opponents have cited many authorities in support of their arguments, they have failed to quote a single authority who actually supports their proposal as it is stated in the debate this evening.

Now let us get down to the specific contentions of the Affirmative. Throughout the course of the debate, much of their arguments have hinged on the proposition that we are not assimilating the foreigner, and that, therefore, we should suspend immigration for a two year period in order to "catch up" with our naturalization program.

Let us understand the facts as they now exist. Professor Richard T. Ely says that at the close of the eighteenth century

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we had 20 per cent of unnaturalized foreigners in our population. At the present time we have about 14 per cent. In other words in the last hundred years we have reduced the foreign element in our population from one-fifth to one-seventh. Moreover Professor Ely says that as a nation we have shown a remarkable ability in assimilating alien peoples, and that in the light of history the immigration problem becomes less alarming.

Another side of the problem is shown in the statement of Frances Kellor, former Chief of the New York Bureau of Immigration and Industry, that "a suspension of immigration would interfere with the present naturalization plans, it would be decidedly a handicap to Americanization."

Ladies and Gentlemen, does it seem fair that we should lay all our mistakes of the past upon the shoulders of the immigrant. Should we, simply because we have failed to adequately assimilate the foreigner, bar every European from our gates? We believe that this is far from a just solution, and we plead for a plan that will select, distribute and educate the immigrant. That, Ladies and Gentlemen, is a sane, worthy, American policy.

The gentlemen of the Affirmative have claimed that we are now facing an abnormal situation. We have contended that this situation is not so serious as to warrant such a stringent measure as has been proposed this evening. Even if the situation was found as serious as they would lead us to believe, they have still to prove that it would last for two years. Prominent leaders of industry have announced their belief that commercial conditions and industry are already improving. It seems inconceivable that we should need two years to recover from a business slump, which has never been dangerous or alarming.

In their arguments regarding the congestion of foreigners in the city the opponents forget that there are other more adequate solutions of this problem than they have suggested. The new immigration commissioner has grasped the situation and has advocated progressive land laws. Make the small farm possible and the problem will solve itself. Prominent economic specialists have also said that a minimum wage law applying to immigrants would take many unskilled foreigners from industrial centers and send them to the farms.

In regard to the criminal tendencies of the immigrant, let us remember that only one-seventh of 1 per cent of our foreigners are criminals. We believe that it is unnecessary to

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prohibit all immigration simply because one immigrant in seven hundred turns to crime, especially in view of the conditions under which foreigners are forced to live in many of our large cities.

In discussing all these problems connected with assimilation, let us be willing to shoulder our share of the burden, let us try to find some adequate solution of the problem that will take all factors into consideration, and not blindly apply a slap-dash makeshift, which is both radical and rigid. In conclusion then we have shown that the seeming failure to assimilate the alien in the past does not warrant the adoption of a two year policy of prohibition of European immigration.

SECOND NEGATIVE REBUTTAL

James W. Laurie, Coe

MR. CHAIRMAN: The gentlemen of the Affirmative have based a large portion of their debate tonight on the fact that 3,460,000 men were out of work January 1st, 1921. Honorable Judges, I have shown in my main speech, on good authority, that the problem of unemployment was rapidly passing and soon there would be a positive need for immigrants. There are additional facts which further prove this. The Affirmative have quoted the Department of Labor's figures of 3,460,000 unemployed, and on those figures have based their main contention. Now, Gentlemen, we place great confidence in our government and we have a right to do so. But it is entirely possible for them to make mistakes, as they seem to have done in this case; The recent report which gave our unemployment as 3,460,000 also listed Iowa as one of the states in which conditions were the worst, which caused great surprise among Iowa business men. Secretary L. B. Jeffries, of the Des Moines Chamber of Commerce took it upon himself to investigate actual conditions and compiled statistics, which, issued last month, show the unemployment for Iowa to have been exaggerated 48 per cent in federal figures. Now, Gentlemen, if in this one state of the union, unemployment was so greatly overestimated, what might it not have been in the other forty-seven states which the report included. For that reason we absolutely disregard the statement of 3,460,000 men being out of work.

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Probably the Affirmative has not tried to hire any of the vast hoard they presume to be out of work, for, Gentlemen, they are not to be found where work is available. One of the greatest reasons for unemployment is unwillingness of labor to accept normal wages with a return of normal times.

The gentlemen of the Affirmative have also called your attention to the additional figures of unemployment issued the first of March, as another reason why we should prohibit all European Immigration for two years. Now, Honorable Judges, let us make a close study of these figures before passing any hasty judgments. For New York, Boston and the whole Atlantic seaboard, conditions had improved and were continuing to improve. The Middle States, including our own region reported the same thing with the exception of a few large cities; and, Ladies and Gentlemen, the only portions of our country where unemployment had been *noticed* during the past month, were the Western states. This is an encouraging fact as every wave of financial depression moves from East to West and passes off altogether when it has progressed across the country.

The first Affirmative speaker in his constructive speech stated Detroit's unemployment as 160,000 and an example of unemployment conditions. But this very report which the Affirmative relies on so much, states that the number of persons employed in Detroit has increased 34.7 per cent during the past month, and was continuing to increase. In Chattanooga, Tenn. the percentage was 67.6 and proportionately in other industrial centers.

In order to prove their statements of unemployment, the Affirmative has read to you several letters from railroad companies showing a decrease in passengers, and from steel companies, which show a decrease in steel orders at a specific time, but this proves absolutely nothing as to the question under discussion. They have taken only isolated industries, and have absolutely disregarded those idustries which are increasing production by leaps and bounds. In answer to these letters, let me quote from Louis M. Marshall, of the Inter-Racial Council, who states on the floor of the Senate that America is facing an actual shortage of between four and five million workers.

The first speaker of the Affirmative has stated tonight that the admission of immigrants will cause anarchy in our country, and therefore should be cut off. In answer, here is the statement of

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W. S. Rossiter, noted economist, who writes in the Atlantic Monthly: "With fifty-five millions of unruffled native white stock and early assimilated additions, it is foolish to think that a few immigrants can disturb the placid deeps of a nation."

We have been told by the Affirmative of the statement of the Commissioner-General of Immigration, that the immigrant we are receiving was not agricultural. Now, Gentlemen, we have here the absolute statement of THE Commissioner-General of Immigration, W. W. Husband, who states: "The immigrants we are now receiving are of the peasant class, and essentially farmers, who could do much toward occupying the unused land in this country."

Because of the shortage of houses, the second speaker of the Affirmative has stated all European immigration should be suspended for two years. Now, Gentlemen, as long as the present shortage of labor and material exists there will also exist a shortage of houses. What we need are men who can and will build these houses. Only a few weeks ago, an Eastern contractor reported on the floor of Congress, that he was unable to obtain even 100 men for a job of unskilled construction work, even though he offered them $8 per day. General R. T. Marshall, General Manager of Associated General Contractors of America, states that there is a shortage of approximately 400,000 men in the building industry. Certainly we are not relieving the housing condition by excluding the laborers, so badly needed.

E. T. Trigg, President of the National Federation of Construction Industries states: "The complete cessation of immigration would relieve the country from an evil attendant upon the influx of undesirable citizens, but it would bring about an even greater shortage of labor than we experienced during the eighteen months of the war!" Surely we have no desire to return to such times as those. Authorities stated in a recent Literary Digest: "The turning away of unskilled labor to ease the groundless apprehensions of organized labor is not to be heard of. In addition to unemployment the gentlemen of the Affirmative have put before you the typhus plague scare, as a reason for barring all Europeans for two years."

Gentlemen, we know of no greater authority on the question of typhus than Dr. Royal S. Copeland, Health Commissioner at the port of New York and the man who first discovered a case

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of it in the United States, who asserts: "I do not think that the circumstances as relating to typhus necessitate the complete prohibition of immigration for any period."

Italy is helping us keep out the infected immigrant by refusing to transport thru her country persons from the infected regions of Europe, and other countries are also aiding in the war against it. The steamship companies are taking steps to prevent passage of fever suspects. And, Gentlemen, the Affirmative have overlooked, tonight, the fact that the President of the United States has the power to quarantine, at any time, portions of Europe which are plague-ridden, and prevent the spread to this country. Thus, if conditions are really as serious as the Affirmative would have you believe, they still do not warrant such a radical and stringent plan as the total prohibition of European immigration for an arbitrarily selected period of two years.

THIRD NEGATIVE REBUTTAL

Millard Joslin, Coe

The argument of the Affirmative this evening has in the main centered around two issues, namely:

We are unable to assimilate any more immigrants at the present time;

The present economic situation demands that we put a stop to all immigration at once.

My Colleague, the first speaker, has taken up this question of assimilation in rebuttal and has pointed out that assimilation has nothing to do with the temporary prohibition of immigration. From the first, the Affirmative has proposed its plan only as a temporary solution and has not advocated it in any sense as a permanent solution. Yet, any argument from the standpoint of assimilation that is proposed in favor of a two year prohibition of immigration can be applied to the complete prohibition of immigration for all time. In the short space of two years we cannot hope to change the character of the immigrant one bit, nor can we hope to change or educate the American character a great deal.

Two years from now we will have to face the same problems in regard to assimilating the immigrant and Americanizing him as we are now facing. Only in one sense does the assimilation

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argument have any bearing whatever upon the question we are discussing this evening. It might be contended that such a plan would give our legislators time to prepare some solution which could effectively meet the problem. But we have shown that Congress has just completed the most searching investigation ever made upon the subject of immigration. For eighteen months Congress has made investigations, prepared reports and submitted questionnaires. The time to ACT has come. It may be strange but it is true that after such an investigation Congress has never even seriously considered such a proposition as is being advanced by the Affirmative this evening. Congress never deemed the matter of sufficient importance to bring such a plan to a vote. Instead it passed a measure which admits some 360,000 immigrants during the next fifteen months.

In two years we will have a new Congress coming into power just at the time we would desire final and constructive action were the proposed measure to become a law now. But the New Congress will know nothing about the problem of immigration and will have to proceed to make new investigations and prepare new reports at that time and all this work will have to be done over again for its benefit. The time is now ripe for action.

Now, as to the second great contention of the Affirmative. Is immigration responsible for our unemployment situation? Are the immigrants coming in sufficient numbers to materially add to the problem? Now the Affirmative has pointed to the fact that we are receiving some 80,000 or 100,000 immigrants a month. That is true but it is not true that we are receiving an added 80,000 or 100,000 every month to add to our unemployment situation. Take the month of July, 1920, which is typical of the last few months of immigration. Eighty-three thousand persons came to the United States during that month. But of these 83,000, only 62,000 were immigrants. During the same period 27,000 emigrants left this country for other lands. This makes the net increase 35,000. But 43 per cent of the immigrants come from other countries outside of Europe and the bill advocated by the Affirmative would not exclude these, so we will not include them. This leaves 20,000 net increase by European immigration for the month. But during the fiscal year of 1919-1920 only one out of fourteen immigrants was a male worker and when we apply this to the 20,000 we find that the net increase to

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our male working population during the month of July was only 1,500. There are some 30,000,000 male workers in the United States at present and the adding of the 1,500 is the same as adding one man to a group of 20,000.

An attempt to alleviate our unemployment situation by shutting out all immigration for a period of two years is like carrying a lighted candle out into the sunlight, blowing out the candle and expecting that darkness will result. The question of unemployment and the two year prohibition of immigration are in no way related.

Gentlemen, the argument of the Negative this evening has been this: We have shown that the present situation is not so serious as to warrant such a stringent emergency measure being passed; That there is no particular virtue in a two year prohibition of immigrants; That there is a positive need for immigrant workers; That such a step is an unjustified change in national policy, and; That the present situation calls for something more than a makeshift solution as advanced by the Affirmative. We should take immediate steps to formulate some constructive, intelligent solution and have shown you that such a solution is possible and practicable.

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BIBLIOGRAPHY

PROHIBITION OF EUROPEAN IMMIGRATION FOR TWO YEARS

Books and Pamphlets

Antin, Mary. They who knock at our gates; a complete gospel of immigration. Houghton, Mifflin Co. Boston. 1914.

Abbott, Grace. The immigrant and the community. Century. New York. 1914.

Commons, John R. Races and immigrants in America. new ed. Macmillan. 1920.

Congressional Record. vol. 60. D. 9-11, 13, '20. Immigration: debate by Albert Johnson of Washington and others.

Davis, Philip, and Schwartz, Bertha, comps. Immigration and Americanization; selected readings. Ginn & Co. Boston, 1920.

Fairchild, Henry P. Immigration, a world movement and its American significance. Macmillan. New York. 1913.

Foerster, Robert F. Italian emigration of our times. Harvard Univ. Press. Cambridge. 1919.

Gulick, Sidney L. How shall immigration be regulated? National Committee for Constructive Immigration Legislation. New York. 1920.

Gulick, Sidney L. Permanent immigration policy. 8p. National Committee for Constructive Immigration Legislation. New York. 1921.

Hall, Prescott F. Immigration and its effects upon the United States. Henry Holt & Co. New York. 1906.

Haskin, Frederic J. The immigrant, an asset and a liability. Fleming H. Revell & Co. New York. 1913.

Hourwich, Isaac A. Immigration and labor; the economic aspect of European immigration to the United States. Putnam. New York. 1912.

Digitized by Google

Jenks, Jeremiah W., and Lauck, W. Jett. Immigration problem; a study of American immigration conditions and needs. 4th ed. rev. & enl. Funk & Wagnalls. New York. 1917.

Kellor, Frances. Immigration and the future. Doran. New York. 1920.

Phelps, Edith M., comp. Selected articles on immigration. (Handbook Series). H. W. Wilson Co. New York. 1921.

Rihbany, Abraham M. A far journey. Houghton, Mifflin Co. Boston. 1914.

Roberts, Peter. The new immigration; a study of the industrial and social life of southeastern Europeans in America. Macmillan. New York. 1912.

Ross, Edward A. Old world in the new; the significance of past and present immigration to the American people. Century. New York. 1914.

Shriver, William P. Immigrant forces; factors in the new democracy. Missionary Education Movement of the United States and Canada. New York. 1913.

Sisson, Francis H. Constructive immigration policy. 8p. Guaranty Trust Co. New York. 1921.

Steiner, Edward A. The immigrant tide; its ebb and flow. Fleming H. Revell Co. New York. 1909.

Steiner, Edward A. Nationalizing America. Fleming H. Revell Co. New York. 1916.

United States. Department of Labor. Bureau of Immigration. Immigration laws (act of February 5, 1917); rules of May 1, 1917. (fourth edition, Feb. 1920). 108p. Tables and map. 1920.

United States. House of Representatives. Committee on Immigration and Naturalization. Emergency immigration legislation: hearing before the committee on H.R. 14461. (66th Congress, 3d Session). 713p. Apply to Congressman.

United States. House of Representatives. Committee on Immigration and Naturalization. Proposed restriction of immigration: hearings on H.R. 12320, April 20, 1920: (66th Congress, 2d Session). 138p. 1921. Apply to Congressman.

United States. Immigration commission. Abstracts of reports. 2v. Gov't. Ptg. Office. 1911.

Digitized by Google

United States. Library of Congress. Brief list of references on immigration. 5p. Typew. 35c. Dec. 13, 1920. (Obtainable thru Public Affairs Information Service, 11 W. 40th st., New York.)

Warne, Frank T. The tide of immigration. D. Appleton & Co. New York. 1916.

Welty, B. F. The regulation of immigration. National Committee for Constructive Immigration Legislation. New York. 1920.

Literature can also be secured from

Immigration Restriction League, 11 Pemberton Square, Boston 9, Mass.

Inter-Racial Council, Woolworth Building, N.Y.

National Committee for Constructive Immigration Legislation, 105 E. 22d St., New York.

National Liberal Immigration League, 309 Broadway, New York.

PERIODICALS

Annals of the American Academy. 61: 30-9. S. '15. War and immigration. Frank J. Warne.

Annals of the American Academy. 93: 134-8. Ja. '21. Americanization. Carol Aronovici.

Annals of the American Academy. 93: 139-44. Ja. '21. The oppression psychosis and the immigrant. H. A. Miller.

Annals of the American Academy. 93: 144-9. Ja. '21. Immigration, the matrix of American democracy. Allen T. Burns.

Annals of the American Academy. 93: 153-6. Ja. '21. The Polish group in the U.S. J. K. Grove.

Annals of the American Academy. 93: 185-90. Ja. '21. The industrial significance of immigration. W. Jett Lauck.

Annals of the American Academy. 93: 190-3. Ja. '21. Immigration and the world war. Prescott F. Hall.

Annals of the American Academy. 93: 198-01. Ja. '21. The ultimate basis of immigration. Henry Pratt Fairchild.

Annals of the American Academy. 93: 201-11. Ja. '21. Immigration and the future. Frances A. Kellor.

Annals of the American Academy. 93: 211-24. Ja. '21. The new flood tide of immigration: a policy and a program. The Nat'l. Comm. for Constructive Immigration Legislation. H. W. Jessup, Chairman.

Digitized by Google

Atlantic Monthly. 127:484-7. Ap. '21. Reason: a reply to S. M. Bouton. D. G. Barnhouse.
Catholic World. 110:591-600. F. '20. Beneficient America.
Century. 102:131-5. My. '21. Menace of migrating peoples. Edward A. Ross.
Current History Magazine, New York Times. 12:704-6. Jl. '20. New tide of immigration.
Current History Magazine, New York Times. 13, pt. 2:405-8. Mr. '21. Constructive immigration policy. William H. Barr.
Current Opinion. 69:176-80. Ag. '20. Does America want immigration or emigration? T. C. du Pont.
Forum. 64:58-69: Jl. '20. Fair play for the foreign born. A. Woods.
Good Housekeeping. 70:20-1. Je. '20. Immigrant speaks. A. Yezierska.
Independent. 100:372-3. D. 27, '19. Our common interest. G. de Michelis.
Independent. 103:201. Ag. 21, '20. If you were an immigrant. A. Sapelli.
Literary Digest. 48:7-8. F. 26, '21. Inviting immigration from Northwestern Europe.
Literary Digest. 65:12-13. Ap. 24, '20. America short four million workers.
Literary Digest. 65:32. Je. 5, '20. Immigrants coming again.
Literary Digest. 65:48-51. Je. 19, '20. What some homebound immigrants think of America.
Literary Digest. 65:132. My. 8, '20. Emigrants leaving with tremendous wealth.
Literary Digest. 67:14-15. D. 25, '20. To halt European invasion.
Literary Digest. 67:16-17. N. 6, '20. To divert immigrants from the cities to the farms.
Monthly Labor Review. 12:697-9. Mr. '21. Immigration.
New Republic. 22:314-16. My. 5, '20. Our step-children. S. Toksvig.
North American Review. 213:598-607. My. '21. Present and future of immigration. Prescott F. Hall.
Outlook. p. 364. Mr. 9, '21. Why be mechanical and mediaeval.
Outlook. 125:682-3. Ag. 18, '20. Who is responsible? G. S. Burns.

Digitized by Google

Review of Reviews. 62:618-24. D. '20. The new immigration. W. Jett Lauck.

Saturday Evening Post. p. 24. Ja. 8, '21. No admittance.

Saturday Evening Post. 192:3-4+. F. 14, '20. Rising Irish tide. K. L. Roberts.

Saturday Evening Post. 192:8+. F. 28, '20. Immigration control. A. W. Parker.

Saturday Evening Post. 193:10-11+. Ag. 21, '20. Guests from Italy. K. L. Roberts.

Scientific American. 122:231. Mr. 6, '20. Years' supply of raw material for the melting pot. R. Howard.

Survey. 43:258-9, 352-6, 461-3, 542-8, 610-12, 690-5. D. 20, '19, Ja. 3, 24, F. 7, 21, Mr. 6, '20. Strength of America. S. J. Lubin and C. Krysto.

Survey. 43:461-3. Ja. 24, '20. Struggle of America; significance of modern immigration. S. J. Lubin and C. Krysto.

Survey. 43:540-1. F. 7, '20. Alien impressions of America. A. French.

Survey. 44:107-8. Ap. 17, '20. Immigrant savings. P. M. Warburg.

Survey. 45:834-5. Mr. 5, '21. Three per cent immigration.

World Outlook. 6:3-5. My. '20. As they see us. C. M. Panunzio.

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CHAPTER III

THE KANSAS COURT OF INDUSTRIAL RELATIONS

UNIVERSITY OF TEXAS

versus

COLUMBIA UNIVERSITY

RESOLVED: *That the several states should establish courts of industrial relations similar to that of Kansas.*

This is a report of the debate between an Affirmative team representing the University of Texas and a Negative team representing Columbia University, held at Columbia University, New York City, March 4, 1921. The decision was unanimous in favor of the Affirmative. The constructive speeches for both teams were secured thru the courtesy of Professor E. D. Shurter, Chairman of the Interscholastic League, University of Texas, and Mr. Julian Olney, Manager of Debating, Columbia University. A stenographic report was made of the rebuttal speeches.

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BRIEF

THE KANSAS COURT OF INDUSTRIAL RELATIONS

AFFIRMATIVE

INTRODUCTION:

A. The question is one of great importance.

1. The very life of any nation depends upon its industrial system.

I. A court of industrial relations similar to that of Kansas is necessary.

A. There exists a serious conflict between capital and labor.

1. This conflict amounts to a war in which the rights of the innocent third party, the American public are violated.

2. The present system of strikes and lockouts can not be continued.

a. It ignores entirely the welfare of the public.

B. Something must be done to protect the public.

1. The Kansas court was born of this necessity during the coal strike of 1919.

a. This court has jurisdiction over those industries which affect the supply of food, clothing and fuel.

b. It is based on the principle of adjudication.

c. It is elastic—it allows for voluntary arbitration, negotiation, and conciliation, but when these fail disputes can be settled by the judgment of an impartial court.

II. An industrial court similar to that of Kansas is fundamentally sound and practicable.

A. It is based upon the principle that the rights of the public must always be paramount to the rights of any class.

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B. It would be fair to labor.
   1. It would provide for fair wages and for healthful and comfortable living conditions.
   2. It would preserve the right of collective bargaining.
   3. For the strike it would substitute a far more effective weapon—an impartial court of justice.
      a. The right of the worker to work would be protected.

C. It would be fair to capital.
   1. It would provide for a fair return on investments.
   2. It would restore the sacred right of private property.

D. It would protect the public.
   1. It would assure production.
   2. It would result in stability of prices and industrial prosperity.
   3. It would prevent the strike.

III. The Kansas court is based on the fundamental principles of natural justice.

A. It is a natural expansion of and has become a part of our judiciary system.

B. It guarantees, thru our courts, protection by law of all the interested parties, labor, capital and the public.

NEGATIVE

I. A court of industrial relations similar to the Kansas court would be economically impossible.

A. It would apply to every phase of industry relating to food, fuel, clothing and transportation.
   1. Applied to eastern states like Massachusetts and Connecticut it would involve 75 per cent of the population and investments.

B. It could be called to action on the slightest provocation.
   1. The law compels the court to act at the direction of the Attorney-General, at the appeal of an employer, at the appeal of an employee, upon the petition of any ten citizens, and at its own discretion.

C. It would have to determine what is a fair wage, a fair profit and reasonable efficiency.

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D. Any court would soon break down under such a weight.
   1. This is what has happened in Kansas.
      a. The alternative is a rigid control of all industry that fixes prices, hours of labor and profits.
   2. Industry would soon break down under such rigid control.
      a. The railroads did when government control was tried during the war.

II. The Kansas court of industrial relations has not met with approval.
   A. It invades the property rights of the employer.
   B. Labor is opposed to its compulsory features.
   C. The public does not support it.

III. A court of industrial relations similar to the Kansas court would be unenforceable.
   A. It can be enforced against capital but not against labor.
      1. In the case of a retroactive decision, labor cannot be made to pay back wages received.
      2. Labor will strike in the case of an unfavorable decision.
         a. People cannot be jailed by the thousands for refusing to obey the law.
      3. Employers will not long be satisfied with awards that cannot be collected.
   B. It attempts to maintain the *status quo* by law.
      1. Many struggles of labor for better living and working conditions would be considered inimicable to the existing order of things.
   C. It threatens the organization of labor.
      1. Union men can be discharged by employers at will, and replaced with non-union men.

IV. The plan is undesirable for other reasons.
   A. It will not prevent strikes.
      1. The Kansas law failed to do so.
         a. Strike penalties could not be enforced.
   B. Compulsory arbitration has failed elsewhere.
      1. In Australia and New Zealand.

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THE KANSAS COURT OF INDUSTRIAL RELATIONS

UNIVERSITY OF TEXAS

versus

COLUMBIA UNIVERSITY

FIRST AFFIRMATIVE

Judson C. Francis, Texas

As representatives of the University of Texas it affords my colleague and myself sincere pleasure to meet the gentlemen of Columbia in this friendly contest tonight. This is the first time that representatives of Columbia and the University of Texas have met on the rostrum and it is our pleasure, on this occasion, to extend to the representatives of Columbia a most cordial invitation to be our guests next year at the Capital of the Lone Star State.

The question; "Resolved: That the several states should establish industrial courts similar to that of Kansas," is one of transcendent importance for the very life of the nation depends upon its industrial system. The same industrial situation exists in Texas which prevails in New York. In fact, from the Atlantic to the Pacific and from the Gulf of Mexico to the Canadian border the American public is the innocent victim of an all-absorbing dispute between capital and labor, a dispute which threatens to destroy American institutions of government. The most casual glance reveals two fundamental facts: first, that there exists a serious conflict between capital and labor; second, that this conflict between capital and labor is nothing more nor less than a war in which the rights of that innocent third party, the American public, are violated. And so, Ladies and Gentlemen, we unhesitatingly condemn the present system of strikes and lockouts in the necessary industries. We condemn it because it ig-

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nores the welfare of the public. We believe that no man or group of men should be allowed to place their selfish interests above the rights of the public. Neither capital nor labor has the right to close the mines of this country and allow the American people to freeze. It is because of such crimes as the Kansas coal strike of 1919, the Boston police strike, and the threatened railroad strike during the War that we condemn the present system. We agree with Woodrow Wilson when he said: "No group of citizens has the right to interrupt our national life."

In view of the fact that the welfare of the public is threatened by this industrial war, I lay down this fundamental proposition, namely that something must be done to protect the public. Accordingly, we propose that the several states establish courts similar to the Industrial Court of Kansas. Right here, Ladies and Gentlemen, allow me to tell you why this Industrial Court of Kansas was created. In December, 1919, the coal miners of Kansas declared a strike. In a short time not a pound of coal was produced in the prairie state of Kansas. Even the sick in the hospitals were deprived of fuel. Women and children everywhere suffered from the lack of fuel. As a result of all this misery and suffering the supreme court of public opinion demanded that something be done. The Kansas Legislature met in special session and created the Kansas Industrial Court, a court which was born of necessity. This Court has jurisdiction over those industries which affect the supply of food, clothing, and fuel. These industries, together with those public utilities which transport them, are charged with a public interest and are, therefore, declared to be subject to regulation by the public. This Court is based upon the principle of adjudication. It is composed of three men, appointed by the Governor with the consent of the Senate. Section three of the Act creating the Court states that its primary purpose is to preserve the public peace, protect the public health, and give to the public the uninterrupted production of the necessaries of life. Incidentally, please note that we are not offering an arbitrary, hard and fast method of solving industrial problems. On the contrary, our plan is an elastic one. It permits voluntary arbitration between the parties in dispute. It allows for negotiation and all the beautiful process of conciliation which the Second Industrial Conference provides; but when arbitration, negotiation, and conciliation have all failed;

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in short, when the parties are unable to settle their differences then the dispute is settled by the judgment of an impartial court. If either party is dissatisfied with the Court's decisions, it may take an appeal to the Supreme Court. In other words, when a dispute between capital and labor threatens to interrupt production, when the welfare of women and children are endangered, when the very life of the nation is jeopardized, when the parties themselves are unable to agree, this Kansas Industrial Court steps in and says with equal force to both capital and labor: "Your private war involves the public safety. We, as representatives of the public, must settle your differences in the interest of the public because private rights must always be subordinate to the welfare of the public."

The several states should establish courts similar to that of Kansas in the third place, because such courts would be fair to labor. Section seven of the Act provides for a minimum wage for labor. Section nine says: "that workers shall at all times receive a fair and a just wage and have healthful and moral surroundings while engaged in such labor." Section fourteen says: "The right of corporated and unincorporated unions or associations of workers to bargain collectively for their members is hereby recognized." Furthermore, this Court does not say to any man: "You shall not quit work." But if the worker wishes to continue work, then this Court protects him in exercising this right. No longer could the union force an individual to strike when he wanted to work. This Court does, however, refuse to allow labor to strike in the necessary industries. But the public has the right to take this weapon from labor because it threatens the welfare of the public. We agree with Vice-President Coolidge when he said: "There is no right to strike against the public safety." But we have not left labor defenseless. We give to labor a far more effective weapon than the strike. We give to labor an impartial court of justice supported by all the power of this government. But I am not resting my case on the proposition as to what this Court will do for labor. The actual work of this Court proves beyond doubt that the condition of labor will be improved by the establishment of industrial courts. Out of the nineteen decisions rendered by this Kansas Court thirteen have granted wage increases to labor. Out of the fourteen decisions rendered in cases brought by organized labor, there has been but one appeal.

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This Kansas Court gives to labor a square deal, but at the same time it says that labor shall not usurp the rights of the American public. We have all sympathized with labor in its heroic struggle for collective bargaining, shorter working hours, and better working conditions. We have sympathized with labor though it frequently resorted to violence in order to secure these reforms. But the question which today confronts the nation is whether the American form of government shall be destroyed in order to grant labor's demands. We usually smile when men speak of shaking the pillars of society but in 1914 we saw them shake, and in Russia we saw them crumble. We cannot evade the simple fact that the American Federation of Labor is today a radical organization based upon force and coercion. It stood behind the railway brotherhoods when they held their stop watches on Congress and threatened to paralyze the transportation of this country unless their demands were met. It defiantly tells the public that unless its terms are met within twenty-four hours society will be deprived of one of the necessaries of life. It all amounts to this: If the friends of labor want justice for labor then the Kansas Industrial Court will meet with their approval. But if they want something more than justice for labor, if they want to make labor more powerful than this government, then they will indeed be disappointed with this Kansas Court for the creation of this court shows that government is still supreme and capable of protecting its citizens.

The several states should establish courts similar to that in Kansas in the fourth place, because such courts would be fair to capital. Section nine of the Act states that capital is entitled to a fair return on its investment. The employer's sacred right of private property would be restored. No longer would the employer be subject to the un-American weapon of the boycott because he happened to employ a non-union man. Neither would he be compelled to employ that other un-American weapon, the lockout, in order to safeguard his interests. Under this Court industry will be protected from the ravages of that instrument of destruction, the strike, which has so long threatened its very existence.

In this discussion, Ladies and Gentlemen, I have shown, first, that there is, today, a serious conflict between capital and

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labor. Secondly, I have shown that this situation is intolerable and must be remedied, because this conflict threatens the welfare of the public and may even threaten the very existence of society as it is organized today. Third, I have shown that a court for the adjudication of industrial disputes is fundamentally sound because it is based upon the principle that the rights of the public must always be paramount to the rights of any class. Finally, I have shown that industrial courts should be established in the several states because they are eminently fair both to labor and to capital.

In conclusion let me remind you, Ladies and Gentlemen, that in advocating industrial courts similar to that of Kansas we are simply defining, on the one hand, labor's rights and duties to the public; and, on the other hand, capital's rights and responsibilities to the public. We are opposed to capital ruling in this country, and we are opposed to labor ruling in this country. In short, we stand opposed to class domination. The bolsheviki idea in Russia is based on the rule of a class, namely the working class. If democracy means anything it means the rule of the majority without regard to class. The nearest approach we have to bolshevism in the United States is direct action brought to bear on the public by a class either through the strike, the lockout, or monopolistic profiteering. I tell you, Ladies and Gentlemen, in all earnestness and sincerity if we go much further towards the nameless horrors of class domination through violence and direct action then we can write above the portals of this Republic the words of the immortal Dante inscribed above the gates of purgatory, "Abandon hope, ye who enter here."

FIRST NEGATIVE

H. S. Williamson, Columbia

LADIES AND GENTLEMEN: It would seem hardly necessary to remind the gentlemen of the Affirmative that we are fully conscious and sincerely regretful of the anarchic state of industrial relations in the United States today. We, as earnestly as they, would welcome a way out. Mere pleas on their part for law and order, while interesting and commendable, are irrelevant. The issue purely and simply is, is the Kansas plan the way out? will it preserve law and order? is it a logical and practicable

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solution of our industrial problem? In short, is it in the public interest? Our answer to all of these questions is an emphatic negative,—not because we are friends of industrial war, not because we are obstructionists, not, we hope, because we are short-sighted. We believe that a plan for the adjustment and adjudication of industrial disputes should be based upon certain fundamental principles, each of which is flagrantly violated by the Kansas plan. What those fundamental principles are will be indicated by our next speaker.

An examination of the Kansas plan shows that it is not in the public interest because under our present industrial organization the plan cannot be enforced; and if, perchance, the plan could be imposed, enforcement would involve abandonment of our present industrial organization. As first speaker I will show you that the Kansas plan is an economic impossibility by first examing the machinery, determining where it is to apply, when it is to act and what it has to do. Then I will set the machinery in motion and let you watch the economic results of its operation. These results are not what would happen under the plan, but what has already happened in Kansas.

Section one provides for a court of three men appointed by the Governor. These men are the machinery. Section three applies the law first to the manufacture and preparation of food in any stage of the process. That was to reach the mill operators in Kansas; but adopted by the several states it means much more, for instance, corn products, rice, fruit, etc., from the time they are harvested until they are sold across the counter. Next, it applies to the manufacturing of clothing, whereby in any stage of the process natural products are being converted either partially or wholly from their natural state to a condition to be used as clothing and wearing apparel. That was to reach the 416 clothing workers of Kansas, but taken east it involves millions of dollars and millions of workers ($538,593,219 worth of clothing products per annum in New York and $236,025,615 of boots and shoes in Massachusetts), the greatest looms and mills of the country, the tailoring shops of New York and the boots and shoes of Massachusetts. Taken south it means cotton from the time it is baled until it becomes a bolt of cloth. To the northwest it means the fur trade. To the Montana, Colorado, and California areas it means wool from

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the back of the sheep until the last button is sewed on the suit. Next the court's control is extended to the production of fuel whether for domestic, export or use in transportation. That was aimed at a handful of coal miners in the surface mines of two southeast counties in Kansas; but if adopted by the several states it means the great coal fields of West Virginia and Pennsylvania, and it means every phase of oil production in Texas, Oklahoma, and California. Finally the law applies to railroads and public utilities. In other words don't be led to think for a moment that the proposition we are considering tonight applies only to absolute necessities like our railroads, but remember that this court is to regulate every phase of every important industry in the country. It involves every laborer, manufacturing producer, wholesaler and retailer. Its scope appears limited in an agricultural state like Kansas where only 4 per cent of the population is concerned in industry. But we are considering its application in industrial states like Connecticut and Massachusetts where according to the United States census of manufacturing it would directly involve 75 per cent of the state's population and investment.

The court is the machinery and its field of operation is every phase of industry relating to food, fuel, clothing and transportation. Now let us clear up this matter of the court interfering only when the public faces actual hardships as a result of industrial strife. Really when does this court make the decisions for industry? Section seven compels the court to act at the direction of the Attorney-General, at the appeal of an employer, at the appeal of an employee, upon the petition of any ten citizens, and finally any time at its own discretion. In short at the slightest provocation the court must say the final word in industrial matters. Next when it acts, what is it supposed to do? Sections eight and nine provide that the court shall determine in industry what constitutes a fair wage, a fair profit, and reasonable efficiency and continuity of service, and, that if the court so directs, the state is to assume control and operation of any or all of the industries within its jurisdiction.

We now have all the elements for our economic experiment. The machinery is a court; their jurisdiction is every industry worthy of the name; their guiding principle is compulsion; they are to act at the slightest provocation; they are to determine

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what constitutes a fair wage, a fair profit and reasonable efficiency. We are not surprised that those who urge this step try to avoid its drastic implications, but these elements are not debatable matters; they are written right here in the Kansas law. Now for the economical possibilities of the law's operation. Let us put the court to work fixing wages and watch results. A mine operator has an investment of a hundred thousand dollars. He employs 200 men at $4.00 a day. The men appeal to the court for a raise in wages. They are granted a raise of 50 cents. Two hundred men at 50 cents increases the cost of production a hundred dollars a day. Of course, the operator does not intend to lose this money for he has been assured a fair return and so he appeals to the court. The court says to raise the price of coal and meet the increased cost of production. In deciding that $4.50 was a fair wage the court had to decide on a new price for coal. Now suppose ten citizens complain because the price of coal is too high. The operator tells the court he can't charge any less and pay his men $4.50. But the citizens says if the mine were run more efficiently you could do it. The court must then determine what constitutes reasonable efficiency. It was compelled to determine reasonable efficiency and a fair profit and fix a fair price. Wages! profits! prices! Now this is not only a logical deduction, but the law specifically provides in Sections eight and nine that the court is empowered to set standards of wages, to determine return of capital, and establish standards of efficiency. The settlement of wages under such a system is likely to be easy at first. Economists tell us the tendency is to increase them slightly at the outset. This is demonstrated by the fact that thus far in Kansas in matters involving wages the decision of the court has been to grant a slight increase. But as time goes on the workmen in the community become accustomed to the new scale and it is then certain the worker will ask for more, and then for more and still more until the court is compelled to consider how far it can go. Where stop? What is a fair wage? As with the mine operator that question cannot be settled without determining what is a fair return to capital, in other words, a fair profit. In order to tell the employee what is a fair wage and to tell the employer what is a fair profit, the court must determine a standard of efficiency and fix a

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fair price for the product. There are many factors that enter into the fixing of wages, profits and prices, such as market conditions, the supply of labor and capital, the cost of living and the standard of living. These factors are constantly changing and in our present industrial organization they effect wages, prices and profits almost immediately and automatically. But when a court must meet these changes and can be compelled to act on the slightest provocation it is certain that regulation will be an endless task. To maintain the delicate balance between these factors of industry the court is driven round a vicious circle. Wages, profits, prices. Faced with the complicated conditions in our industrial states maintaining this balance through court action becomes an economic impossibility. To do it you would have to have experts in every industry, watching every fluctuation, every advance in efficiency, every change in the produce market. You would have to get almost daily decisions in every phase of business in the state. The court would be completely snowed under. Now there is just one way to avoid this endless process, and, since Kansas started to operate the law, she has been forced to fall back on it: she has done what the Affirmative is doing tonight, adopted a revolutionary definition of a public utility; she has put railroads and every phase of industry under the same head. Then apply to food, fuel and clothing the same methods we use in transportation, rigid control, standardization of service and fixed rates, wages and hours. For instance, in order to avoid the necessity for constant regulation in the flour mills as a result of the most recent case of the state against the mill operators, the court has appointed a committee of three to determine what wages, profits and prices shall prevail throughout the state in that industry. The attitude of this sort of regulation toward industry is vastly different from anything we have today. To be sure we tell the employer he can't work women and children for twelve or sixteen hours. We tell him if workmen are killed or injured because of his negligence he will be held liable. We tell the worker he is not to destroy property when he strikes nor prevent other men from working. But the Kansas plan does not content itself with defining the limits within which competition shall work—it supplants competition. Wages, interests, profits are no longer to be determined by the bargaining power of the

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employer and the employee. They are to be settled by public authority and that involves settlement by public authority of the distribution of wealth. This fundamental problem may be disguised or postponed, but sooner or later it must be faced. The nearest approach to this plan has been the government regulation of railroads. Here the complete control of transportation is in the hands of a few. The Federal government has rightly interfered in this monopoly of an essential industry and assured us continuous service. Its rigid control has lead to familiar results.

I want to elaborate on these results in a concrete way. We gladly pay this price. Understand the Negative supports such action in regard to railroads. But we refuse to accept responsibility of applying it to every phase of industry. The Affirmative have met the dilema we must all face when we consider the economic implications of the Kansas solution of industrial strife. The vicious circle on the one hand, the standardization on the other. You may attempt the impossible by substituting a court for economic laws and embark on endless, inadequate regulation and start round the vicious circle of wages, prices, profits. Or, to avoid the futility of this effort, do in industry what we have done on the railroads, do what they are doing today in Kansas, establish rigid control, tell the employer what wages he is to pay, what hours the men are to work and what his profits shall be. In short, fix the basis on which the mill operators are to run and then guarantee results.

In conclusion we have shown you that without such control the Kansas plan is an economic impossibility. We are offered a solution for our industrial problem which on the one hand is impossible and on the other calls for rigid control which will inevitably affect industry as it has affected our railroads. Which do you Gentlemen choose?

SECOND AFFIRMATIVE

Jack B. Blalock, Texas

Mr. Chairman, Ladies and Gentlemen: The Kansas Court has for its primary purpose the protection of the public, protection from the countless hardships imposed upon it by industrial warfare, protection from a recurrence of the coal strike

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which left a nation freezing in the severe cold of the winter of 1919; protection from the dock strikes of New York and Galveston; protection from the threatened revolution at Seattle; protection from the police strike at Boston; protection from hundreds of other strikes, which you have uppermost in your mind tonight, because you were the one who suffered.

If this court did nothing more than assure continuity of production, it would be justified, because hand in hand with assured production comes stability of prices and industrial prosperity. Who among you here tonight is not affected by the trend of prices? The law of supply as counterbalancing demand is given an opportunity to function normally, and unless the economic theories of men who know, have come to naught, the effect on prices will be desirable. And the Kansas Court *does* assure production, because in Section six of the Act we find these words: "It is hereby declared to be necessary for the public peace, health and general welfare, that the industries herein specified shall be operated with reasonable continuity and efficiency, in order that the people of this state may live in peace and security and be supplied with the necessaries of life." And in Section seven we find provision for the enforcement of that clause.

In other words, Ladies and Gentlemen, this court says to capital, you shall operate your business as continuously as its nature will permit, to the end that the public will not suffer for the necessities which you produce; and it says to labor, you shall not place your individual interest above the right of the public to live. For this reason we see that the public is benefitted and a serious defect in the present system is remedied.

As my colleague has pointed out, we are told by those who seek to defeat this court that we have taken away from labor, the only weapon it had in its right to strike. We concur in the statement that this court will prevent strikes, and consider this an admission of its successful efficiency. But in taking away this un-American right to strike, the principles of justice have been preserved, because we have given labor a more effective weapon, which guarantees justice without endangering the safety of the public, and that weapon is the all-powerful arm of the law.

In 1919 the United States suffered from 3253 strikes a loss in

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money of two billion, one hundred million dollars. Labor lost in wages $800,000,000 and capital lost a total of $1,300,000,000. But paramount to all of this comes the loss to the general public, in lives and suffering, of which an estimate is impossible. In the face of these facts do you wonder that the enactment of Section seventeen of the Act, which reads as follows, was found necessary: "It shall be unlawful for any individual to *conspire* with other persons to quit their employment, . . . for the purpose, of . . . suspending the operation of any of the industries . . . governed by this act." It is this provision which the heads of the labor trust object to, because it takes away the right to strike, but in Section *seven*, the laborer is given recourse to a fair and just court, to which he may submit his grievance, and be assured of a speedy and equitable adjudication of the complaint.

No longer will a few thousand workers have the power to freeze a nation, to paralyze the transportation facilities of the country, in order that they may be granted a few more cents per hour for their work; no longer will the heads of essential industry be able to close the gates of that industry, because of a selfish squabble for private gain. Nor will such action be necessary, because, adjudication and reason have supplanted unrestrained force, and that innocent third party, the public, is protected from the fatal effect of random shots.

It is an outstanding fact that in the recent campaign, both the Republican and Democratic platforms went on record as being opposed to any "organized interruption of service necessary to the lives, health and welfare of the people." This is exactly what the Kansas Court makes impossible, and necessarily so, because of the division of labor and complexity of our industrial system. A strike in one industry must of necessity affect numerous others, because the one is dependent upon the other. Thus we see that the public is again made the victim of private warfare.

The Kansas Court in the case of: "The Electric Ry. Employees vs. The Joplin and Pittsburg Ry. Co.," decided April 23, 1920, prevented a threatened strike and rendered a satisfactory decision to the contending parties. Such has been the result of practically every case in its experience. In this way order was preserved, a strike averted, money, time and property saved, both to the laborers and the employers, and the public protected

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from the inevitable inconvenience and suffering, which would have followed. Surely such a record is commendable.

Thus we see that this court is the caretaker of the public, because it assures production, stabilizes prices and prevents the strike, one of the most destructive agencies of lawlessness with which we have to contend today.

But, Ladies and Gentlemen, there is another reason why the Kansas Court is sound, expedient, desirable, and should be adopted, and that is because it is based upon the fundamental principles of natural justice.

The Kansas Court is no new thing; it is an ancient instrument of government with which every one in this audience is thoroughly familiar. To study the Kansas law is but to study the principles of jurisprudence that pervade every country. The Great Jewish Nation received its common law from Sinai, supplemented by Moses from the customs of Egypt; Greece had its common law and law-givers; Rome her "Civile Jus" and Equity; England her courts of law and chancery, and profiting by the mistakes and examples of those who have gone before America builded her system of law and equity jurisprudence, and now the Kansas Court has become a part of that system, modelled after the Supreme Court of the land. Its creation is merely a step forward, a part of the evolution, new, only to the extent that our jurisprudence has expanded to embrace an economic condition that did not exist, when the law was in its making.

Before I go further let me tell you, that the man who attempts to tear down the Kansas Court must first attack and reduce to nothingness our present system of law and equity jurisprudence. Our system of jurisprudence is one of America's greatest contributions to the civilized world, and the Kansas Court is a part of that system. If for no other reason, that is why it will work and work successfully.

The American people long ago recognized the principle that "might does not make right," because under that discarded relic of the past, which is analogous to the present system, only the more powerful could hope to win, without regard for justice. I ask you, when a difference arises between individuals, where is it taken for settlement? To a court of competent jurisdiction. Then why when an industrial difference arises between organiza-

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tions, should it not be taken to a court of competent jurisdiction, empowered to hear, determine, and decide. There a decision will be rendered, and the court will be backed by the authority to enforce that decision. Properly, that will entail sacrifices of what has heretofore been known as individual rights, but do not you and I sacrifice certain so called "rights" when we go into a court of law? Do not we sacrifice the right to take a gun and go out and settle the controversy in a "clash of arms?" But we know that that is as it should be, because "in a clash of arms, the law is silent," and civilization goes back to the dark ages instead of forward.

And as we so often have occasion to hark back to the wisdom of the past, let us remember that it was the immortal Lincoln who said:

"Let reverence for the law be breathed by every American Mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in the courts of justice."

In short, we believe that reverence for the law, and the rule of the majority, should be made the political religion of the nation.

And now, Ladies and Gentlemen, it has been my purpose, in this discussion to prove to you just three things:

First: That the Kansas Court has arisen as a "doctrine of paramount necessity."

Second: That the Kansas Court will protect the public, yes, has protected the people of Kansas—because it assures production, guarantees stability of prices, and prevents strikes in the essential industries—and,

Third: That the Kansas Court is based upon the fundamental principles of natural justice, because it is a natural expansion of, and has become a part of our judiciary, and because it guarantees, thru our courts, protection by law, of all the interested parties, labor, capital and the public.

But before concluding, Ladies and Gentlemen, the Affirmative wish to propound to the gentlemen of the Negative, three questions. We believe that these questions are fundamental. We believe that everything that has been said, here tonight, yes

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everything that will be said, is in explanation of these three questions. They are the very nucleus of this discussion, and we trust the gentlemen will answer them, if they find it convenient to do so.

First: Do you join with us in our condemnation of the present system of strikes and lockouts in the essential industries?

Second: Does the Kansas Court prevent voluntary arbitration? Does it interfere with profit sharing? Does it in any way conflict with any other scheme of industrial reform? If so how? and,

Third: If a dispute between capital and labor results in a strike which deprives the public of the necessaries of life, has the public the right to protect its interests? If so, in what better way can the public protect itself, than by courts similar to that of Kansas?

SECOND NEGATIVE

W. L. Johnson, Columbia

GENTLEMEN: My colleague has shown you that the Kansas plan lacks the support of the public; that the employer finds it invades his property rights, and labor is unalterably opposed to its compulsion; that without the support of these three groups the plan is impractical; that the operation of the law brings about undesirable economic results.

I propose to show you definite practical reasons why the Kansas plan is unenforceable.

Section twenty-three provides that the awards of the Industrial Court shall be binding upon both parties, and that all changes in wages shall be retroactive.

In the event of a wage dispute the court makes an award in favor of labor, stating that the employer shall pay an increase in wages beginning from the time the dispute arose. Insofar as the employer is financially responsible the decision of the court can be enforced and labor can collect the back wages.

On the other hand, if the award favors the employer and labor is ordered to make a refund of wages, failure to do so makes the laborer guilty of crime. As a practical matter labor usually exists upon a very scant margin of wages over the cost of living. By the time the award is made labor will long

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since have spent the money. In addition to permanently cutting down the amount of wages, the court's decision further diminishes these wages by ordering a refund. How can laborers be compelled to refund back wages or made to submit to a wage decrease? We question the ability of any court anywhere to compel labor to make a refund of wages long since spent.

Labor will not only refuse to make a refund but will strike in the face of a decision against it. Suppose, as in Kansas, twelve thousand men quit work despite the law, what do the gentlemen of the Affirmative propose to do about collecting the back wages? Will they put them all in jail; will they attach their household goods; what will they do?

The gentlemen of the Affirmative are defending a retroactive wage award that can be enforced against capital but not against labor. A law so easily evaded by labor as this can not be effective. An employer will never be satisfied with an award in his favor which can not be collected. This law by its one way operation adds cause for further friction.

In the second place the Kansas plan is unenforceable because it attempts to maintain the *status quo* by law.

The Industrial Court will give the workmen "fairness and justice" as understood by the court. The judges will be spokesmen for things as they are. They will be appointed to their position by the powers that be. The judges will represent the accepted moralities: it is not their business to be pioneers in the search for new conceptions of justice.

The labor movement is part of a profound and fundamental struggle ages old—the upward struggle of the masses. There never has been a time in the whole history of that struggle that the vanguard was not challenging accepted ethical standards. There never has been a time when a court, its personnel made up of representative members of the dominant group, would not have ruled against these challengers.

When serfdom was the natural state, an industrial court would doubtless have granted many reforms if they did not call into question the status of the serf. It was only one hundred and fourteen years ago that a judge in Philadelphia, presiding at a trial of workmen who had combined to improve their condition, instructed the jury that "a combination of workmen to raise wages may be considered from a twofold point of

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view; one is to benefit themselves; the other is to injure those who do not join the society. The rule of law condemns both." The jury found the defendants guilty of a combination to raise wages.

Slavery and serfdom are things of the past. The right of collective bargaining, of combinations in labor unions are now recognized. When these questions were being fought over, court decisions were the expression of the conception of justice and fairness of the time. Those who led the fight were enemies of the social order. Regardless of our attitude toward the labor movement, can anyone say that labor has now arrived at that state to which it is to be forever assigned?

In the third place the Kansas plan is unenforceable because it threatens labor's organization. The struggle between capital and labor over the distribution of the profits of industry is inevitable and bound to continue; but it is by no means the only cause for industrial disputes. The majority of strikes are caused by labor and capital trying to strengthen their organization at the expense of the other.

Under the Kansas law an employer can discharge a workman for union membership. If an employer finds that union men are proving troublesome he can discharge them and replace them with non-union men. Under normal conditions the other union workers would strike in protest. The Kansas law says the men may not strike, and yet the Kansas court can do nothing to prevent employers for discharging union workers. The decisions of the Kansas court have the force of law. Kansas once passed a law making it illegal to discharge a man for union membership. In the case of Coppage vs. Kansas the United States Supreme Court declared that law unconstitutional. Surely they must be guided by that decision in future cases involving the same point. Can we reasonably expect employees to abide by such an unfair provision?

These provisions have already made themselves felt in Kansas. While the Kansas court was sitting in Pittsburg (center of the coal mining district) twelve thousand miners went on strike in defiance of the law. After numerous threats had failed to make the miners return to work, Governor Allen said, "Kansas is going to be patient with the coal miners until they return to their right senses." Is that enforcing the law? There was nothing

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else for the Governor to do. Had he attempted to arrest the men and enforce the law it would have meant civil war. Had the law been rigidly enforced it would have meant twelve thousand one-year jail sentences and $6,000,000 in fines for that one strike. Is that the price we must pay for industrial peace under the Kansas law?

Last month four hundred miners went on strike because an employer refused to grant an increase in wages to a mesh man. The miners struck, were out two weeks and went back only when the increase in wages was granted. The law said strikes are illegal; yet no effort was made to punish these four hundred miners.

Since the passage of this law there have been more strikes in basic industries than ever before in the history of Kansas.

We challenge the Affirmative to show us a single instance where the strike penalties have ever been enforced against any large number of men. If the Kansas law declares all strikes illegal and yet permits flagrant violations, wherein is it enforceable?

We oppose the adoption of this law unless it can be strictly enforced and prevent all strikes. If it fails to do this we will have the same situation as they have in Australia and New Zealand.

Compulsory arbitration is not a new idea. It has been in operation in Australasia for over twenty years. They too decided to do away with strikes by declaring them illegal. Here is what happened. The Bulletin of Labor Statistics for Australia and New Zealand shows the following illegal strikes and scores more like them.

In 1906 a strike on the tramways in Auckland occurred; 1907 brought a large strike among the slaughtermen; in 1908 the coal miners went out; and in the same year the motormen and conductors in Auckland and the bakers in Wellington quit. Labor reports for New Zealand in 1908 showed twenty-three strikes affecting 2,389 men: since then strikes have increased in number and scope.

Herbert Hoover before the Committee of Education and Labor of the United States Senate said, "So far as I can see today, there is no reason why the Kansas plan will not run the same course as in Australia where the amount of strikes and dislocation was as great under these laws as without them."

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In conclusion, we have shown that this plan has no place in our industrial system because it engenders the opposition of all three parties; second because the results of its operation are economically undesirable; third because its principle is unenforceable since the retroactive wage awards are unenforceable, since it attempts to maintain the *status quo* by law and drives workers to industrial sabotage or open strike, and since it enables employers to discharge union workers. We have shown that the law has actually failed in enforcement in Kansas during the past year and in New Zealand and Australia for over twenty years. Therefore we submit that the several states should not establish industrial courts similar to those of Kansas. We object to the Kansas plan because any solution which is to be generally applied is a matter for Federal and not state action. We submit that regulation in industry of the nature and scope provided in the Kansas plan is a radical departure; at best it is an experiment: and that the principle of compulsion back of the law is unenforceable.

Our interpretation of the Kansas plan has been endorsed by the experience of industrial districts, by national authorities, by the employers and by the employees.

Here rests the case, Honorable Judges; you must make the choice.

FIRST AFFIRMATIVE REBUTTAL

Judson C. Francis, Texas

LADIES AND GENTLEMEN: The gentlemen of the Opposition have indulged in a series of assertions unsupported by facts. The gentleman who has just left the platform has told you that this Kansas Industrial Court is impractical, that it cannot work. He has made this assertion in the face of the fact that more coal has been produced in the Kansas mines in the last three months than during any other similar period of the entire history of the Kansas mines. Ladies and Gentlemen, he made this assertion in the face of the further fact that when it was submitted to the people in Kansas there was not one single man who voted against this Kansas law returned to the Legislature.

And then the gentleman has said that this Kansas law is unfair to labor. Ladies and Gentlemen, I have here a copy of the Act creating this Kansas Industrial Law, and I challenge the

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gentlemen of the Opposition to cite one single section, one word, yes, one syllable in this entire Act which is unfair to labor. And the gentleman seems to overlook the fact that in the case of the employees versus the Joplin Railway Co., the case which was brought up by W. E. Freeman, President of the Kansas American Federation of labor; in that case the court went on record and said that the employees' right to a fair wage is superior to capital's right to a fair return upon its investment.

Now, the gentleman has stated that this Kansas court gives to the public the authority to control the distribution of wealth. He is making the charge, in other words, that this Kansas court is Socialistic. Why, Ladies and Gentlemen, it has reached a point that when any reform is proposed, its opponents call it Socialistic in order to give them time to think up a real objection. (Laughter). This charge can be labelled "Standard Objection No. 1" an objection suited for all occasions. (Laughter). Ladies and Gentlemen, the fact is that this Kansas court is ABSOLUTELY opposed to Socialism. It preserves the present law. It says that the employers' right to a fair return on their investment is preserved. Why, Socialism is a relative term. Nobody exactly knows what it does mean. But this Kansas court does preserve the employers as a class. It does preserve the right of private property.

Now, Ladies and Gentlemen, just one little point that I wish to mention. The gentleman has said that in no other state of this country has the Kansas industrial court been adopted. It is just a small point, but I wish to mention that in Nebraska the people voted on a four-to-one vote that a court similar to that established in Kansas be set up in that state.

Now, the gentleman has mentioned Section twenty-three as to the retroactive feature. Ladies and Gentlemen, that is a trivial objection, obviously so, from the wording of this question. Why, this defect can easily be cured. And then it seems to me, also, that the gentleman is in a strange position. His colleague comes up and eloquently defends labor, and then he comes up and says, "Ah, but capital won't be able to collect these back wages from labor."

Ladies and Gentlemen, this debate has assumed the proportions of a paradox. The Affirmative says, "There is a

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definite, certain evil in the present industrial system." "Correct," says the Negative. The Affirmative says, "This conflict between capital and labor threatens the welfare of the public." "Correct." says the Negative. The Affirmative, says, "This situation is intolerable and must be remedied." "Absolutely so," says the Negative. (Laughter). The Affirmative then comes up and says, "The thing to do is to establish a system of industrial relations courts similar to that of Kansas." "Oh, no," says the Negative. "The wording of the question forbids."

Ladies and Gentlemen, this question of the industrial court is a fair proposition, and when you are moved by the eloquent words of the gentlemen of the Opposition, ask yourself this question: Is it possible that this Kansas industrial court will remedy all industrial ills—that it will make strikes and lockouts absolutely impossible in the basic industries? Your answer will be, No! It is only necessary that this Kansas industrial court lessen our industrial ills, that strikes and lockouts be so diminished in number and ultimately become so abnormal that we will look upon them in the same regard as we today look upon a thief who violates the law.

Now, Ladies and Gentlemen, the gentleman has offered and spoken of a system of voluntary arbitration. In all sincerity, in all courtesy, I challenge the gentlemen of the Opposition to show how this Kansas court in any way interferes with voluntary arbitration. The parties, capital and labor, can come together and arbitrate, but if they are unable to agree, then the Kansas court steps in and settles the dispute in the interest of the public. Ladies and Gentlemen, the situation is this: the Kansas industrial court ensures stability, it affords a judicial authority to appeal to, it constitutes an alternative to industrial anarchy, and it substitutes reason and justice for force and violence. I thank you.

FIRST NEGATIVE REBUTTAL

H. S. Williamson, Columbia

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: We have been asked a great many questions here tonight, and we have been challenged a number of times. Now, I am thoroughly aware of the fact that we are trying to ask the ques-

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tions here, and you Gentlemen are trying to answer them. We should like to have you answer our questions. If you can answer them satisfactorily, you establish your claim in the eyes of this audience.

But just to be agreeable here is the first question: "Do you join with us that this serious condition exists?" We have admitted that twice, and I gladly admit it again. "Does the Kansas court prevent voluntary arbitration?" "Does it conflict with anything that we have in our present system?" I devoted my entire speech to an economic interpretation of this plan, found I was supported in my contention by labor, by the employers, and by national authorities, that it does conflict widely with our present system.

"Has the public a right to protect its interests?" Certainly. What we are questioning tonight is this particular method of the public for protecting its interests.

I want to take up one statement in regard to the Nebraska four-to-one vote to establish this court. If I understand it correctly, Nebraska does not have this court, but Nebraska did pass an amendment permitting such a court to be declared constitutional should the people elect to pass the amendment providing for the court.

Now we have indicated that we believe that any solution to be generally applied throughout this country should be a matter for Federal and not state action. And we asked the gentlemen to apply the law in a place like New York Harbor. Then our position will be clear.

Now I have pointed out the economic implication of this law.

The gentlemen say this is to be a weapon of last resort only to be used when people face starvation, only to be used when the state must protect the lives and property of its citizens. This court might work very well in Kansas. But take an industrial state like New York. When does it operate? At any time the Governor directs, at any time the Attorney-General directs, at any time an employer appeals to it, at any time an employee appeals to it. Bring that to New York State where they have more industrial establishments, where they have more manufacturing plants than there are industrial workers in Kansas, and I submit to you, Gentlemen, if the question is not an entirely different thing. The industrial problems in Texas and in Kansas are all

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the same, according to these gentlemen, as the problems in New York. We find them to be quite different. Bring that plan to New York, and when will the state interfere? When wages are high, Capital appeals to a court for a reduction in wages; but when wages are low, the laborer appeals for a raise. When prices are high, ten citizens register a kick and appeal to the court. It must act. It is unavoidable. This interference leads to this vicious circle and it leads to government regulation, and eventually subsidy. On the other hand, take a manufacturer of shoes, employing one hundred men. He pays them $3.00 a day. The men appeal for a raise of wages and are granted an increase of 50c a day. The employer immediately tacks on the price of 50c to those shoes. Alright, the laborer wears out his shoes, he goes to the court and wants more wages to meet the demand. He needs a new pair of shoes. And so it goes, raise wages, raise prices, around and around endlessly. On the other hand, you can avoid that vicious circle by adopting the same attitude toward industry in general that we have adopted toward transportation. Establish a system of government control.

Now, that is the stand the Affirmative has taken. That is the way it has avoided this vicious circle. It absolutely revolutionizes our system. It is not a question of, "Shall we solve these problems?" It is a question of "How shall we solve them?" Its economic implications exist, and labor tells us so, capital tells us so, public authorities tell us so. I thank you.

SECOND AFFIRMATIVE REBUTTAL

Jack B. Blalock, Texas

LADIES AND GENTLEMEN: Now let us indulge in a view of the Affirmative's position with reference to its own case. I believe that it is the Affirmative's position to come here tonight and give you facts as they have been given to the public through our only meeting, and that is the present one.

Now, Ladies and Gentlemen, the gentleman who has just left the floor made the statement that this was a constitutional amendment which made it optional for the legislature to establish this court in Nebraska. Here is what it says: "The constitutional convention of Nebraska wrote into its proposals and amendments, making it mandatory upon the legislature to create an industrial

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court in that state similar to that of Kansas. A hot campaign ensued, the American Federation of Labor got busy, but after a full discussion the people of Nebraska voted four-to-one in favor of the law." Those are the facts, as they are given in the press.

Now, Ladies and Gentlemen, the gentleman who has just left the floor made the inference that this law was unconstitutional. He did not come out and tell you it was, because he does not know, and he knows that it is a mere assertion, that it is a trivial objection, and that each section of this act is segregated, so that if one is declared unconstitutional the other stands. He places himself in the position of the drowning man who grasps at the last straw because he cannot reach a plank (Laughter).

Now, the gentleman's ALTERNATIVE is this, that we turn the state court around into a Federal commission. Ladies and Gentlemen, I have but one thing to say with reference to the Federal commission, and mind you, that is the only system of reform which the gentleman has advocated tonight. A Federal commission will defeat the very purpose for which it is created. It would be too bulky to handle industrial disputes, and for that reason you would find that it would be clogged worse than the Supreme Court of the United States is today.

He tells you much about what Mr. Hoover would tell you if he were here tonight (Laughter). Mr. Hoover is not here, but I will say this much in conviction of what he would say, and that is this: Mr. Hoover would not tell you that the Kansas law has not worked in Kansas, because it has worked in Kansas, and that is a fact which the gentlemen cannot avoid. If they say that it will not work, there is mere assertion, trivial objection, but the fact that it has worked stands today.

Now, with reference to this question that I asked the gentleman, we made an earnest endeavor to arrive at the true issues of this debate. My first question, he has admitted. For that reason, he has come to you tonight and he has pleaded guilty in reference to the present system, to the charge that it is absolutely inadequate. Then the burden is absolutely upon him to propose a system which will subserve the public interests. If he does not like the Kansas court, let him establish a court of his own. He has thrown away his present system.

Now the second question: "Does this court prevent voluntary

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arbitration?" That, the gentleman has avoided because he knows that it does not, but that voluntary arbitration is specifically encouraged.

"Does it prevent profit sharing?" That, the gentleman has ignored because he knows that it does not.

"Will you propose a new scheme which will take the place of the Kansas court to better effect?" What has the gentleman said? He has remained absolutely silent with reference to that position. He admits that we have got to have something done, but, Ladies and Gentlemen, there seems to be no end to criticism —destructive criticism. But when it comes to constructive legislation I ask you, what have the gentlemen done? (Laughter). Nothing but destroy. The same thing exactly that organized labor has been doing for the last fifty years—destroying, destroying. Build anything? No! Criticism? Yes! Trivial objection? Yes! Technical? Yes!

Ladies and Gentlemen, let me tell you that I could file a general demurrer to everything that they have said here tonight and the Affirmative's case would stand complete.

SECOND NEGATIVE REBUTTAL

W. L. Johnson, Columbia

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: It is too bad that we have done nothing but quibble tonight, but the rules of debate provide that the Affirmative shall maintain their case against the attacks by the Negative. I am sorry that we are not debating some other plan whereby we have the Affirmative and the gentlemen of the Negative can quibble, but that is neither here nor there. The gentlemen of the Affirmative have refused to come out and meet us on open ground. They have absolutely evaded six objections that we have made to the Kansas plan, and it appears to me that *they* have been reaching for straws. We have asked them to justify the plan because of its economic interpretation, and they kept beautifully away from it. We have asked them to apply this to the New York harbor strike, and they have kept absolutely away from it. I have said that this plan is unenforceable because it is an attempt to maintain a *status quo* by a law, and they tell me that labor can get justice in this court. I have told them that this plan is unenforceable be-

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cause it allows capital to attack labor's organization, and they tell me that labor is benefited by this court. I tell you, Gentlemen, I have shown these men whereby this thing is unenforceable. I have pointed to two major strikes in Kansas, and asked them whether the law was enforced, and they have absolutely ignored that question. What is the basis upon which we are to decide whether or not the law is successful? It is only the big strikes, which after all tie up the public's interest, the public's welfare. Wherein was Kansas protected when these twelve thousand miners struck, when these four hundred miners struck?

I have shown you how this plan is not new. It has been in operation in Australia and New Zealand for the last twenty years, and it has failed there. They say that this plan is a good plan, that a Federal plan is not a good plan. They fly in the face of such authorities as Professor Seager and Tausig and Seligman and Herbert Hoover and the rest of these men. That is sufficient authority for us. We are not advocating any plan. It is not incumbent upon us to. We are objecting to this plan. I maintain that we can quite naturally agree that the system is a terrible one. We have got to have some way to do it. But as I have said before, we are not advocating any particular plan. If we were, we might advocate the plan of the present sectional industrial conference; and then we would meet the gentlemen on the other side of the question, but we are not.

We are objecting to this plan for six reasons: First, because it leads to a new economic system. If that is desirable, then the case the gentlemen give us is desirable. If it is not desirable, then this case will not stand.

Gentlemen, in conclusion, the Affirmative told you that the rights of the public are paramount. That we have admitted. They have told you that this plan will permit labor to get justice. I have shown you that labor can be attacked by capital, stabbed in the back, and has no recourse to anybody. I have shown you that labor will react unfavorably to any attempt to maintain the *status quo* by law.

They said that we objected to this plan because it took away labor's only weapon, the strike. We made no such statement. Labor has many other weapons left: industrial sabotage—working slowly is one of them. Now I just want to tell you how this industrial sabotage worked out on the railroads in France in

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1910, when all the workers on the French railroads went on strike. France has a system of compulsory military training, as you all know. They arrested the strike leaders, threw them all into jail. Immediately another group came up to take their places, and so it went on. Finally France mobilized all of these men into the army, and said, "Now go to work and run the railroads. The men went to work and ran the railroads. They ran them into bankruptcy. They misrouted baggage deliberately, so that all the big terminals were congested with baggage. They mislaid them. They did everything, and finally the government was forced to give into their wishes, and then a year after, the C.G.T. in France, which is the French I.W.W., gained more members than it ever had gained before in any single year of its history. That is just one instance of an attempt to force an unfavorable decision down the throat of labor. I don't advocate it. I don't say they are justified. I just say these are the facts, Gentlemen. That is what is going to result in this country. You are to choose whether or not it is desirable.

In conclusion, the Affirmative contends that governmental regulation such as we have on our railroads is desirable. They contend that such regulation which leads eventually to governmental operation and control is desirable. If it is desirable, if the gentlemen of the Affirmative have justified this step, then it should be adopted. We object. We maintain that this is a plan for national and not state action. We submit that governmental regulation and control, subsidization, is not in line with our present economic system. It is a radical departure, at best, an experiment. We maintain that the principle behind this law is unenforceable. I thank you.

FIRST AFFIRMATIVE REJOINDER

Judson Francis, Texas

LADIES AND GENTLEMEN: In the brief time that remains to me, I want to tell you just two things: First, about this coal strike in Kansas. Now, Ladies and Gentlemen, let us settle this two-day strike in Kansas once and for all. The strike, the gentleman says, proves that the law is a failure. That strike does not prove that the law is a failure. But it merely proves that there was one violation of the law. Is the fact that there are murders

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committed in Central Park every night justification for doing away with the law against murder? (Laughter).

Now, Ladies and Gentlemen, that is all that that two-day strike amounted to, and it was called by the invincible Howatt of Kansas, who has been sentenced to one year in the penitentiary as a result, which proves conclusively that the law is working in Kansas today. (Laughter).

Now, Ladies and Gentlemen, they have been strangely inconsistent. On one hand they say that the law takes away the right to strike; on the other hand they say they cannot enforce it. In other words, Ladies and Gentlemen, they damn it if it does, and they damn it if it does not. (Laughter).

Now, Ladies and Gentlemen, in conclusion, the Affirmative has rested its case upon seven fundamental propositions: First, that certain government evils exist in the present system. That the Negative has admitted. Second, that the situation is intolerable and must be remedied. That, the Negative has admitted. Third, that the Kansas court is fundamentally sound because it is based upon the principle that the rule of the majority must always be made above the rule of a class. This fundamental proposition, the Negative have ignored. Fourth, that the Kansas court is eminently fair to capital and to labor. This the Negative have denied. Stripped of prejudice and pretense they have placed nothing more than technical objections. They have said that in the face of the fact that they have been unable to cite one section, one word, yes, one syllable, from that Act which is unfair either to capital or to labor. Fifth, that the Kansas court is sound because it protects the public, it assures production, guarantees stability of prices and prevents the strike. This the gentlemen have denied. That is all denied. Seventh and last, that this proposition is based upon the fundamental principles of natural justice. This the gentlemen, finding themselves unable to answer, have ignored.

Now, Ladies and Gentlemen, we have proved here tonight that the Kansas court has worked, is working, and will continue to work for the welfare of labor, capital, and that innocent third party, the American public. For these reasons the Affirmative submit that the several states should adopt industrial courts similar to that of Kansas. (Applause).

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BIBLIOGRAPHY

THE KANSAS COURT OF INDUSTRIAL RELATIONS

Academy of Political Science Proceedings. 9: 70-8. Je. '20. Increased production as a remedy for inflation: the Kansas industrial court plan. H: J. Allen.

Allen, Henry J. Message of Governor Allen to the Kansas legislature in extraordinary session, January 5, 1920. 14p. Kansas State Printing Plant, Topeka. 1920.

American Economic Review. 407-12. Je. '20. Kansas court of industrial relations. W: M. Duffus.

American Federationist. 27: 422-34. My. '20. Issues that face America. Samuel Gompers.

American Federationist. 27: 625-41. Jl. '20. Labor's great convention.

American Machinist. 53: 749-52. O. 21, '20. Kansas industrial court. K. H. Condit.

Commercial and Financial Chronicle. 110: 2150-2. My. 22, '20. Industrial Relations law of Kansas declared constitutional—text of the law.

Commercial and Financial Chronicle. 112: 599-600. F. 12, '21. Kansas industrial court—pushing doctrine of concessions too far.

Current Opinion. 68: 472-8. Ap. '20. How Kansas broke a strike and would solve the labor problem.

Electric Railway Journal. 56: 1026-7. N. 13, '20. Kansas court in action.

Independent. 101: 385-6. Mr. 13, '20. Let the people freeze; how Kansas took up the challenge of the coal strike. H: J. Allen.

Industrial Management. 59: 290-3. Ap. '20. Kansas court of industrial relations. P. F. Walker.

Industry. p. 7-11. F. 1, '20. Kansas court of industrial relations: text of the act.

Digitized by Google

Journal of Political Economy. 28: 339-52. Ap. '20. Kansas court of industrial relations. W. E. Atkins.

Law and Labor. 2: 84-9. Ap. '20. [Speech of Governor Allen at annual banquet of the League for Industrial Rights, March 5, 1920.]

Library Journal. 45: 887-9. N. 1, '20. Kansas court of industrial relations: bibliography. L. A. Thompson.

Literary Digest. 64: 17-18. F. 7, '20. Kansas strike cure.

Literary Digest. 67: 16. D. 4, '20. Seven millers of Kansas.

Monthly Labor Review. 10: 808-11. Mr. '20. Kansas court of industrial relations.

Monthly Labor Review. 10: 1126-8. My. '20. Kansas court of industrial relations.

Monthly Labor Review. 11: 1065-7. N. '20. Decisions affecting Kansas court of industrial relations.

Monthly Labor Review. 12: 838-41. Ap. '21. Recent decisions of the Kansas court of industrial relations.

Nation. 112: 505-7. Ap. 6, '21. Kansas court of industrial relations. C. M. Reed.

Nation's Business. 8: 16-17. Je. '20. Industry's eternal triangle. Matthew Wall.

Nation's Business. 8: 20-1. S. '20. Getting the jump on strikes. Clyde M. Reed.

Nation's Business. 9: 42+. Ja. '21. Haling flour industry to Kansas court for shutting down mills.

New Republic. 22: 396-8. My. 26, '20. Arbitration, compulsory or voluntary.

New York Call. p. 1. My. 29, '20. Labor enslaved by Kansas act, says Gompers. Charles J. Lave.

New York Times. p. 1-2. My. 29, '20. Governor Allen and Gompers debate Kansas law and labor's right to strike.

Outlook. 123: 498. D. 17, '19. Kansas gets coal. F. C. Trigg.

Outlook. 124: 237. F. 11, '20. Industrial court solution. C. M. Harger.

Railway Review. 66: 222-3. F. 7, '20. Kansas Industrial court.

Review. 2: 269-70. Mr. 20, '20. What Kansas is doing about labor.

Review of Reviews. 61: 292-4. Mr. '20. Gov. Allen's solution. E. O. Whitcomb.

Digitized by Google

Review of Reviews. 61 : 294. Mr. '20. Court of Industrial Relations.

Review of Reviews. 61 :597-602. Je. '20. Liberty and law in Kansas. H : J. Allen.

Review of Reviews. 63 : 539-40. My '21. Kansas court of industrial relations.

Saturday Evening Post. 192 : 6-7. Mr. 6, '20. Substitute for strikes. H : J. Allen.

Survey. 44 : 7-8. Ap. 3, '20. Industrial peace by law. The Kansas way. J : A. Fitch.

Survey. 44 : 301-3. My. 29, '20. Why compulsory arbitration in Kansas? Reply to J : A. Fitch with rejoinder. W. L. Huggins.

System. 39 : 25-6. Ja. '21. Is the industrial court making good? H : J. Allen.

System. 39 : 26-8. Ja. '21. What I learned about the court in Kansas. A. Pitman.

World Outlook. 6 : 5-6. Ag. '20. How Kansas settles its labor disputes. H : J. Allen.

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CHAPTER IV

THE PROHIBITION OF STIRKES IN ESSENTIAL INDUSTRIES

PRINCETON UNIVERSITY

versus

UNIVERSITY OF WASHINGTON

RESOLVED: *That Congress should pass laws prohibiting strikes in essential industries. (Constitutionality granted.)*

This is a stenographic report of the debate between an Affirmative team representing Princeton University and a Negative team representing the University of Washington, at Seattle, January 3, 1921. The decision was unanimous in favor of the Negative.

The judges were George E. Wright, O. B. Thorgrimson and Judge W. H. Pemberton.

This was the sixth and last of a series of debates in which the Princeton team had participated in a transcontinental tour. In addition to the University of Washington, the Princeton men met, in the course of their tour, teams of the University of Indiana, Brigham Young University, Occidental College, the University of California, and the University of Oregon. This report was secured thru the courtesy of Mr. Matthew W. Hill, of Seattle, Washington, formerly Debating Coach for the University of Washington.

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BRIEF

THE PROHIBITION OF STRIKES IN ESSENTIAL INDUSTRIES

AFFIRMATIVE

INTRODUCTION:

A. This question is one of the greatest problems which the country faces at the present time.

B. By essential industries is meant the railroads, the coal mines and all interstate public utilities.

I. Strikes in essential industries are undesirable and should be prohibited by law.

A. The public is dependent upon a national system of supplies for its welfare, its happiness and its very life.

1. Conditions today are entirely different from what they were years ago when people were more economically independent.

2. Today a railroad or a coal mine strike can imperil the comfort and even the lives of thousands within a very short time.

B. Strikes in all industries are an economic waste and are not a satisfactory means of settlement.

1. A strike in an essential industry depends for its success upon the harm it can inflict upon the public.

a. Pressure is deliberately brought to bear upon the public so that public sentiment will compel the employer to grant the demands of the workers.

2. The strike is not a permanent mode of settlement of disputes.

a. All that is gained by the strike is lost again as labor grows plentiful and work scarce.

b. An industrial court would be a far more satisfactory method.

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C. The power to strike is too destructive to be wielded by any minority in this country.
   1. Even now it is so dangerous that a cessation of work is no longer necessary.
      a. The mere threat of a strike is sufficient.
      b. This was the case with the famous Adamson law.
   2. There is danger of the strike being used by radical leaders to subvert our government.

II. The prohibition of strikes in essential industries is essentially just.
   A. If the fundamental rights of labor were enunciated in and guaranteed by a labor code, labor would acquiesce in the denial of the right to strike in certain industries.
   B. The duty of continuous service is as incumbent upon labor as on the employer.

III. Prohibition of strikes in essential industries has been tried and has succeeded admirably.
   A. Strikes have never been permitted on the railroads nor in the mines of continental Europe.
   B. Compulsory arbitration has succeeded where it has been limited to essential industries.
      1. In Australia it has substantially accomplished its purpose in that it has secured a large measure of industrial democracy and given labor rights that could never be secured by the strike.

IV. A code can be formulated to replace the strike that will guarantee justice to labor.
   A. The plan formulated by the National War Labor Board during the war would furnish a satisfactory basis for such an industrial code.
   B. Such a plan would receive the support of public opinion.
      1. This was proved in the coal strike of 1919.

V. Prohibition of strikes in essential industries should be replaced by an industrial court.

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A. Such a plan does not prevent any working man from quitting whenever he likes but it does prevent a combination of workers from engaging in strikes.

B. Many rights are being secured for labor now thru other and more peaceable methods than the strike.

1. Many more can be secured by devising a suitable industrial code.

C. The industrial court has been tried and has succeeded.

1. It has succeeded in Kansas.

2. It is in line with the evolutionary progress of society.

a. Nations are tending more and more to settle their differences by arbitration.

Negative

Introduction:

A. The question for debate is whether or not the strike is such an evil in itself as to justify its prohibition under existing industrial and governmental conditions.

1. The question of substituting an industrial court or other means for the right to strike is extraneous to the debate.

B. The idea conveyed by "public" as used by the first Affirmative speaker is erroneous.

1. Public and majority when considered apart from labor and capital, are not synonymous.

C. Essential industries include more than railroads, coal mines and public service corporations.

1. According to the definition of essential as used in the Kansas law establishing an industrial court, essential industries are those necessary to the production of food, clothing, fuel and the transportation thereof.

I. The strike is not such an unmitigated evil as the Affirmative would infer.

A. It is a result rather than a cause of the prevailing industrial unrest.

1. It provides a method of relief that could not be suppressed without danger.

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B. The public does not suffer so seriously from strikes as has been stated.
   1. Labor itself bears the cost of strikes.
   2. The time lost as a result of strikes is but a small percentage of that lost thru unemployment.

C. The industrial court proposed by the Affirmative is still an untried experiment.

II. Labor cannot secure justice under an industrial court or any system of courts that may be set up.

A. Such courts would be flooded with litigation.
   1. There would be no incentive for collective bargaining.
      a. Consequently many disputes that are settled amicably today would be brought into court in the future.
   2. Long delays would result and the ultimate decisions would be unfair in view of conditions that had arisen meantime.

B. It would be difficult to secure a fair valuation of the employer's plant.
   1. Without such a valuation a court would have no basis on which to determine a fair wage in any particular establishment.
   2. It has already been proved practically impossible to obtain a fair valuation of railroad properties in the United States.

C. Such a court would operate only as an instrument of oppression.
   1. Men could be sentenced to imprisonment without a jury trial.
   2. Business would be guaranteed to the extent of making good business losses out of the pockets of the workers.

D. It would mean involuntary servitude.
   1. Men would be compelled at times to work for an employer against their will, to prevent the stoppage of an essential industry.

E. The proposition that capital and labor should be subjected to equal restraint cannot be upheld.

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1. Labor is a human and not a property right.
   a. The lives of men are more important than the life of an industry.
2. Such equal restraint cannot be obtained.
   a. The courts have already decided that an industry cannot be compelled to operate at a loss, while labor can be compelled to continue at work under adverse conditions.
3. Even if it could be shown that the material welfare of labor could be secured from an industrial court, the same could be said for any scheme of slavery that has ever existed upon the earth.

III. An industrial court or any other plan to replace strikes will increase rather than decrease industrial strife.
   A. To take away the right to strike is the destroy the right of collective bargaining.
      1. The right to strike is merely the collective refusal of the employers terms.
   B. This right is regarded by labor as absolutely inalienable under existing conditions.
      1. To destroy it is to nullify the greatest step that has yet been taken toward industrial peace.

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THE PROHIBITION OF STRIKES IN ESSENTIAL INDUSTRIES

PRINCETON UNIVERSITY

versus

UNIVERSITY OF WASHINGTON

FIRST AFFIRMATIVE

Charles Denby, Jr., Princeton

LADIES AND GENTLEMEN: Before I begin the case for the Affirmative permit me to thank in behalf of the team, although I do not happen to be captain of the team, all those in the University of Washington who are responsible for the wonderful welcome which we have received here. I may say frankly that this is the greatest reception that any Princeton debating team has ever been given anywhere, and I would like to express on behalf of the team, our appreciation to the students of the University of Washington and their friends, who have turned out to this debate in such great numbers tonight.

It is indeed a pleasure to have come so many miles from far off Princeton to address such an audience and to debate against such a University on a topic of such importance. I believe, in fact, that the question embodies one of the greatest problems which this country faces at the present time. It is a national question and not a local one, and we must approach it tonight discarding all class feeling and all prejudice and all selfish interest and look at it from the standpoint of the national welfare, the welfare of the nation as a whole; and if in the proposition of the Affirmative there may appear to be anything which seems to be unfair to any party or any faction or any class, we hope to be called to account by the gentlemen of the Negative.

As the chairman has stated, the question for debate tonight is, "Resolved: That Congress should pass laws prohibiting strikes

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in essential industries." By essential industries, we mean the railroads, the coal mines, and all interstate public utilities. We of the Affirmative believe that strikes in all essential industries have become an intolerable burden on the public at the present time, and that their prohibition by law is warranted.

We believe that strikes in essential industries should be prohibited by law because of the dependence of the public upon a national system of supplies for their welfare, their happiness and their very life; because strikes in all industries are an economic waste and are not the most satisfactory means of settlement of an industrial dispute which can be found; and because the power to strike is a power too destructive to be wielded by any minority in this country.

We believe that the public is dependent upon the continuance and the efficient operation of a vast national system of supplies to such an extent as to warrant their being protected by law from any interference with that system. During the early part of the last century the people were not dependent upon the continuous and the efficient operation of a vast national system of transportation for their food and fuel and other necessities of life. Early in the last century, if a man wished to travel, he went in his carriage or he went on horseback; his fuel was obtained in the vicinity in which he lived; his food was brought to market by the farmer in the neighborhood. In other words, a strike at that time was merely a dispute between capital and labor. The public suffered, of course, but it was incidental; and not comparable in any way, to the suffering of the public resulting from the cessation of work in an essential industry today.

What happens in the event of a strike today? Let us take a strike on our railroads for example; a strike on our railroads, if it is successful, means the very paralysis of our industrial and commercial system; it is the paralysis of that system upon which we are absolutely dependent for our life,—for the very necessities of life. Why, it has been estimated that if New York City with its six millions of people were cut off from the outside world for only four days, the reserve food supply would be exhausted. The same is true in varying degree of all the great cities of this country. Chief Stone of the Railroad Brotherhoods realized this when he said, "If our demands are not granted, not a wheel will turn east of the Mississippi, and New York will starve to death."

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Or consider the results of a strike in the coal mines: last winter during that terrible coal strike, Senator Cummins of Iowa received a telegram from one of the important cities of that state, a city of over twenty-five thousand people, stating that due to the lack of coal, the schools had all been closed, the churches had all been closed, and every industrial activity had ceased, and that if there was not immediate relief, hundreds of homes in the community would be without heat; during the disastrous coal strike of 1894 there was a cessation of all industry in eleven states. Is the public to be compelled to stand by and shiver and see all industry cease whenever mine owners and the representatives of the workers fail to arrive at an amicable settlement of their differences.

Ladies and Gentlemen, our government is a failure if there can be no way found by which to overcome such obstacles to our welfare and prosperity; our government is worse than a failure if there can be found no way in which to insure the regular and uninterrupted functioning of our basic industries. It is one of the duties of any government to protect its people against any interference with their right to an adequate supply of the necessities of life.

I think it can be proved moreover that a strike in an essential industry depends for its success upon the harm which can be inflicted upon the public. A strike in an essential industry is not an ordinary strike on a large scale; it is not an extended dispute between capital and labor; organized labor frankly admits that in such industries it deliberately sets out to bring such pressure to bear on the public that public sentiment will compel the employer to grant the demands of the workers. Let me ask you why it was that the Railroad Brotherhoods called what would have been their greatest strike in the fall of 1916; the threatened strike that took the country by the throat and compelled the adoption of hasty and ill-considered legislation to meet the emergency? Was it not because that was the time when a great political campaign was in full swing and when none of the parties wished to run the risk of losing labor's vote by refusing the demands of the unions? Was it not because that was the time when the fall wheat crop was beginning to be moved and the great body of farmers were begging for uninterrupted transportation? Was it not because that was the time when the public

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was beginning to think of laying in its winter supply of coal? Wasn't that the strategic time to strike,—not at a time when the employers would suffer the most, but at a time when the greatest harm would be inflicted upon the public?

Ladies and Gentlemen, are we to continue to live under such a system? Shall the strike in essential industries, hang above the head of the American people, like the sword of Damocles?

Conditions are not what they used to be. Economic independence of the various communities of this country has given way to interdependence to an extent that any interference with the transportation or production of the necessities of life in any locality is felt with instant force in the remotest parts of the country. No allowance has been made for that fundamental change in our method of settling industrial disputes. Why, Ladies and Gentlemen, we are suffering from an attempt to adapt a nineteenth century remedy to a twentieth century need. I ask, Ladies and Gentlemen, and the Affirmative asks, are we to continue to live under such a system? Can there be found no way in which to remedy these conditions? We of the Affirmative answer the first question "No," and the second question "Yes." We believe that this country should and will see that the best interests of all of the people are safe-guarded, all of the time. Further, we believe that the strike, especially in an essential industry, is an economic waste,—costly to the employer, costly to the employee, and costly to the public. That statement is axiomatic, Ladies and Gentlemen, I need merely to make it to bring home the force of it to you.

Not only is this true, but the strike is not the most permanent means of settlement that can be devised. It is evident that when labor is scarce, labor will receive its demands, and when labor is plentiful, the balance of power shifts to the employer, and labor will lose what it has gained. Isn't it possible that some more logical, more just and more permanent means of settlement can be devised? We of the Affirmative believe that there is such a system;—but mind you, in presenting our proposition we do not wish to disparage or to dispense with collective bargaining or any other scheme which may be presented tending toward the solution of difficulties between employer and employee; neither do we maintain that any man shall not be able to leave any industry which he desires to leave or to enter any other industry

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which he desires to enter. We do insist that in the event of the failure of collective bargaining to settle any controversy, resort shall be had not to the dangerous strike, but to an industrial court. We propose to set up tribunals something on the order of the Interstate Commerce Commission; such a system we believe would be effective in removing the causes of industrial strife and in safeguarding the public against any interruption in the production and transportation of the articles upon which they are dependent, not only for comfort, but for life itself.

In the third place, we believe that the power to strike is a power too dangerous to be wielded by any minority in this country. Even now, the power to strike has become so dangerous that a cessation of work is no longer necessary; a mere threat of a strike is all that is necessary to force the employer and even the Congress of the United States into submission. You remember how in the fall of 1916 the heads of the Railroad Brotherhoods conveyed their demands to Congress and how back of this tremendous menace of a national railroad strike they set the hour by which their demands must be granted. You remember how this great country, which knew no superior in any foreign power, was unable to cope with a situation brought about by a small minority within its own borders; and you remember that the Congress of the United States was coerced into enacting the Adamson law granting the demands of the Railroad Brotherhoods. Our government cannot long continue in such a situation. In the words of President Wilson, "It is the business of any democratic government to see that no minority can come in competition with itself." Senator Myers recently said, "There has grown up in this country an inner government. This government operates inside the regular constitutional government. This government does not operate below board or behind the scenes; it is open and very much above board. This inner government consists of organized labor, and in the past this inner government has issued edicts and made demands; and its edicts have been followed and its demands granted. "If this is to continue, Ladies and Gentlemen, the constitutional government can not long survive.

We do not wish to insinuate that the great body of the American workers are disloyal or are radical, but there is this constant danger, Ladies and Gentlemen, that the strike, especially the

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strike in essential industries, upon whose continued operation the public is so dependent, will be used by the more radical leaders of labor in an attempt to subvert our government. The force of this statement may be brought home to you by a statement of the organizer of the One Big Union made last May. He said, "The hour for the revolution draws near,—the hour when two million workers organized into one big union shall accomplish that revolution."

Ladies and Gentlemen; we have a problem on our hands. Strikes in essential industries have become so dangerous that we feel it is necessary that the public be safeguarded against attacks through the strike in such industries.

The plan we advocate, Ladies and Gentlemen, is not radical, is not revolutionary;—it is evolutionary. We have laws that say that men shall not settle their disputes by duelling. Why? Because we have come to realize that to settle disputes in such a manner is prejudicial to the best interests of the community. We have laws that say that soldiers, sailors, postal employees, firemen, and policemen shall not strike. Why? Because, My Friends, the country has come to realize that the cessation of work by those men would be dangerous to the best interests of the community. We of the Affirmative advocate extending that same principle to essential industries because we believe that the cessation of work in an essential industry is equally, if not more, dangerous to the best interests of the public than the cessation of work by the men in the army, the navy, the postal service and our police and fire departments.

Ladies and Gentlemen, how long will it be that gentlemen will stand on a public platform and maintain that the costly and dangerous strike is the only method of settling industrial disputes that can be devised?

FIRST NEGATIVE

Hamlet P. Dodd, Washington

Mr. Chairman, Ladies and Gentlemen: We wish to assume at the outset of this debate the same impartial and unbiased attitude that the gentlemen of the Affirmative have assured you they are assuming this evening. The question for debate as has been stated, reads "Resolved: That Congress should enact laws

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prohibiting strikes in essential industries, constitutionality granted." Yet at the very outset of this debate it would seem that it was the purpose of the Affirmative to change the question. They apparently would debate, "Resolved: That Congress should establish a system of industrial courts for settling industrial disputes." The idea being by means of the industrial court to give some semblance of justice to labor. But,—we are not debating the prohibition of the strike under socialism, communism, or any Utopian system of government. We are not debating whether or not the strike should be prohibited under any sort of future conditions that may offer an idealistic or theoretical solution for present day industrial ills. We are debating whether or not the strike is such an evil in itself as would justify its prohibition under existing industrial and governmental conditions; and the question of whether industrial courts or any other plan the Affirmative may conjure up, should be substituted for the right to strike is extraneous to the debate this evening. But since the gentlemen of the Affirmative have attempted to introduce a new question for debate, we, in order that there may be a direct clash here this evening, express our willingness to discuss with them their proposed system of industrial courts; we ask however, that you, Honorable Judges, bear in mind what we contend to be the real issue in this debate and if you agree with us in the construction which we have placed upon this question, then determine before casting your ballot whether or not the Affirmative have sustained their burden of proof under that construction of the question. In other words we propose a dual debate,—we will meet the gentlemen on the question of the establishment of an industrial court, we ask in turn that they meet us upon the question of the prohibition of the strike under existing conditions; you decide which is the correct construction of the question, and then decide who won the debate under that construction.

While it is not our purpose to quibble concerning definitions, it is necessary to point out that the idea conveyed by "public," as used by the first Affirmative speaker is an erroneous one. Public and majority, when public is referred to as apart from capital and labor, are not synonymous. There are some 35,000,000 workers gainfully employed in this country. Certainly they and their dependents constitute a majority of the citizens of this Republic. Their welfare and interests are certainly those of the majority.

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Furthermore, essential industries include more than railroads, coal mines, and public service corporations,—the three industries to which the first Affirmative speaker attempted to limit the debate. If we accept the definition of essential as it is used in the Kansas law establishing an industrial court, we find essential industries are those necessary to the production of food, clothing, fuel and the transportation thereof. A broad definition might embrace those essential to life, health and comfort, but certainly, no fair interpretation of the meaning of the world as applied to industry would permit its restriction to the narrow limits set by our opponents.

The first speaker for the Affirmative has drawn a very dark picture of modern industrial strife. He has magnified the power of the strike, graphically disclosed its economic waste and waxed eloquent over its evil results to the public.

We do not deny that the strike is a painful and wasteful method of settling industrial difficulties. But is the strike a fundamental and a basic evil in our industrial life? Is the strike a cause or a result of the prevailing industrial unrest? Why, to prohibit the strike under present day industrial conditions is to sit upon the safety valve; to thus attempt to suppress the effect of underlying causes may result in wrecking our whole industrial and economic structure.

After all it is not a so-called "public," but labor itself that bears the cost of strikes. It is labor that starves; labor that goes without work; labor that fights to attain its ends. The public may be inconvenienced somewhat but labor bears the fundamental pains in every case, no matter what the degree of temporary disarrangement of the public's fixed order of business.

What of economic waste in strikes? An average of one working day in five hundred is lost through strikes. The time lost as a result of strikes is but a small percentage of that lost each year through unemployment; which is an apparently fixed feature of modern industrialism and which presents a much greater problem than the strike. The figures relating to the loss of wages and time as a result of strikes lose much of their force when accompanied by the realization that there never is continuous employment for the workers who, by striking, are merely altering the time of their unemployment.

Thus we see the dire and pressing need for the abolition of

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the strike is reduced to an overwrought piece of industrial jingoism, through the simple statement of the commonly acknowledged facts relative to our industrial conditions. Evils, we have admitted, do exist, but the existence of those evils does not justify for one minute the hastily drawn conclusions or far reaching proposals of the Affirmative.

What is the very best that can be said of the Affirmative proposition? Viewed from the most favorable of angles, what is the most that can be said in its favor? Only that it is worthy of experiment. It is an untried venture from a governmental, as well as an industrial, point of view and to enact it at once into federal law would be contrary to our whole political procedure and to all our ideas and practices of government.

We are a federal government made up of a union of some forty-eight states. It has been our wise national policy to experiment with new ideas and theories in our local units, from which, if successful, they are carried from state to state and finally, if it seems desirable, enacted into national law. In recent times we have seen prohibition and woman's suffrage spread from state to state, and finally become national in their scope. We have seen on the other hand the failure of the Populist and Greenback schemes in the states. Political disaster and incalculable loss would have followed their adoption on a national scale. Today we are watching the working out of the Non-partisan League experiment in North Dakota. Its most ardent advocate would hardly urge that its success warranted that it be tried out on a national scale without further experimentation in the States.

Our opponents however, are unwilling to wait until the success or failure of the Kansas, Colorado or Texas laws has been established. They demand a national law,—now!

Even if we are to treat the strike as an evil which can be dealt with, independent of its underlying causes, which we do not believe, it follows that only one of the many plans proposed for the elimination of the strike can be the ideal solution of the problem. That one can only be determined by a practical triumph over actual conditions. Kansas, Colorado and Texas all offer attempted solutions of the problem. Canada and Australia have still other proposed solutions. The gentlemen of the Affirmative offer still another. The Washington Industrial Commission says the Kansas plan is still an experiment and refuses to recommend

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its adoption in this state, and surely one year of questionable success in an agrarian commonwealth, does not warrant the adoption of the Kansas plan by the federal government. The Affirmative's plan has never been tried in its entirety anywhere, anytime,—though it resembles in many respects the Kansas plan. Its failure as a national measure is easily conceivable. Have the gentlemen presented any need that would justify a departure from our practice of demanding that an innovation prove its worth in the states before being adopted by the national government? Are you willing to risk the destruction of our entire industrial and political structure on an untried experiment?

In conclusion, I wish to ask the Affirmative whether they would still advocate the measure they have proposed, if it would not secure justice for labor?

SECOND AFFIRMATIVE

Alfred J. McCormick, Princeton

MR. CHAIRMAN, LADIES AND GENTLEMEN: The first speaker of the Negative told you that the Affirmative tonight must debate the question of the prohibition of strikes without intertwining or including with it any other proposition or question; that we must debate whether or not Congress should pass a law prohibiting strikes and nothing else. Now, Congress as a matter of fact, never passes a law without providing a method or mode of procedure for the enforcement of that law, and the Affirmative tonight proposes to show you by a definite and concrete plan how the law we propose is to be put into effect and made operative; and we will ask the Negative to debate the merits of that plan as we will present it.

The first speaker of the Affirmative has already advanced the reasons why we are putting this measure forward. He told you that there exists today in the hands of a minority in our country a tremendous power which can be used to cripple the nation. It is not a question of whether that power has been exercised; and we are not saying that labor has wanted to exercise it,—it is enough that such a power is lodged in a minority.

We disagree with the gentlemen of the Negative in his definition of essential and we ask that the Negative accept our definition of essential industries, that is, railroads, coal mines and

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public utilities. We deny that there are any other industries so absolutely essential as these industries, and as the Affirmative team, whose function it is to promulgate the definitions, so long as they be fair, we present that definition for your consideration.

Now, our proposition is simply this: We want to protect the public. If we can protect the public by the prohibition of strikes, that is the way we will do it; if we can best protect the public by the prohibition of all strikes in all industries, we will do it that way; if we can best protect the public by the prohibition of strikes in some industries and not in others, we will do it that way. Our primary purpose is to protect the public, and public protection will be best achieved, we think, by prohibiting strikes in those industries we have mentioned.

It is my task, Ladies and Gentlemen, to show that the proposition we are putting forward is essentially just. Our reasons for believing that our proposition will be just are many. I want to consider first the basis on which we will build. We will base the prohibition of strikes on a labor code. We find today that the labor leaders who voice their opposition to the prohibition of strikes generally qualify their position. Mr. Coombs says that the unqualified denial of the right to strike in all industries would be a very bad thing. We of the Affirmative agree in this. Mr. Coombs however suggests that if labor's fundamental rights were enunciated in and guaranteed by a labor code, labor would acquiesce in the denial of the right to strike in certain industries. Mr. Timothy Shea, acting President of the Brotherhood of Locomotive Firemen and Engineers, goes further and gives a definite basis for a labor code, enumerating the rights that labor wants to have recognized and made secure, and says that if such a code was enacted into law, labor would not oppose the prohibition of strikes in essential industries. And what we are seeking, let me remind you again, is to prohibit strikes in essential industries, and we believe we can best achieve that end by setting up courts of arbitration and conciliation, operating under a labor code.

Now, when any man or any group of men owe a duty to the public or to any other individual or group of individuals the performance of that duty is enforced by law. We ask the gentlemen, do not the railroads, the coal mines and the public utilities, owe the public a duty,—the duty of continuous service? We do not allow the employers to quit; we do not allow the employer to

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shut down his public utility plant or to stop all trains. Why, then, should we allow the laborers to do so? Why then should we allow the laborers to interfere with the performance of this duty to the public? The plan we are proposing is clearly based on a proposition that is fundamentally sound.

Not only is it sound, but it has been tried and has succeeded admirably, so we are compelled to dissent from the first Negative speaker's oft repeated assertion that it is untried. Ladies and Gentlemen, no country in continental Europe has ever tolerated strikes on its railroads, nor have the European Nations allowed strikes in their coal mines or in their public utilities. Compulsory arbitration applied to essential industries for the prevention of strikes is no new proposition. Compulsory arbitration applied to all industries may be a wild untried scheme, but that is not what we are debating tonight. We are debating the prohibition of the strike, under a labor code, administered by an industrial court, in those few industries in which a strike endangers the public welfare,—endangers the very life of the American people.

Now the gentlemen have intimated that compulsory arbitration operating through a system of industrial courts has failed where it has been tried. Perhaps I anticipate the gentlemen of the Negative in taking up a detailed consideration of what are usually given as the horrible examples of the failure of compulsory arbitration, however I believe a discussion of them at this time will do much to clarify the situation. First, in regard to New Zealand,—in 1894 New Zealand passed a law establishing compulsory arbitration courts or boards. It was required in order to come within the operation of the law that either the employer or employees had to register. In other words, the parties had to voluntarily place themselves under the jurisdiction of the courts. Now that law and the subsequent amendatory laws that have been passed have not been what you would call a howling success. We do not maintain that they have been. There have been one hundred sixty-nine strikes in twenty-four years, but we would like to call your attention to the fact that the law applies not to essential industries alone but to all industries; that it requires registration, and that therefore many strikes have been legal; that it applies to every kind of industry great and small, from a steel mill to a shoemaker's shop. The mediocre success

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of the New Zealand Law is no argument against the measure we propose, as quite clearly they are not analogous.

It has been tried in Australia; and with what success? The separate Australian states have had laws since the beginning of the century creating wage boards and establishing industrial courts. Australia, be it remembered, has a federal government patterned very largely after our own. In the separate Australian states while these wage boards have not prevented all strikes, yet, Ladies and Gentlemen, we have it from no less an authority than Dr. Jethro Brown, a leading publicist of Australia, that the laws have substantially accomplished their purpose, in that they have brought about a large measure of industrial democracy and have given labor rights that it could never secure by the strike. Those laws are based on the proposition we are advocating tonight, the prohibition of strikes. They operate by somewhat the same method that we advocate, but not exactly. An example directly in point, however, is the federal law of Australia, which is entirely different from the laws of the separate states. Now, there may be a difference of opinion as to whether the laws of the separate states of Australia have been successful, but there can be no difference of opinion as to whether the federal or commonwealth acts has been successful, because the figures and facts cannot be denied. Mr. Justice Henry Higgins, of the Supreme Court of Australia, is president of the Commonwealth Court of Industrial Conciliation and Arbitration, and he says that from 1904 to 1919 there have been just two strikes, in violation of the Commonwealth Law. The law is restrictive as our law is restrictive. It applies only to interstate disputes as does ours. Of these two strikes in the fifteen years prior to 1919, one occurred because the Supreme Court of Australia could not decide whether or not the Industrial Court had jurisdiction; the other came because the executive department of the Government over ruled the Court and granted one class of employees in the shipping industry a raise over every other class of employees in that industry. The law has been in operation since 1904, and Mr. Higgins in the various articles that he has written for the Bureau of Labor Statistics, the monthly publication of the Department of Labor, the Harvard Law Review, and other publications in this country, states that there have been countless times when industrial disputes seemed to be on the point of breaking forth into great

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strikes and the court has stepped in voluntarily or on the application of one side or the other, and settled the disputes to the satisfaction of all concerned. More than that, the court by its rulings and decisions has established basic principles which will be determinative of future disputes. The Australian Commonwealth Act has secured justice for labor. Whatever may be said about the laws of New Zealand and the Australian States, it cannot be denied that those laws have produced an industrial democracy and an industrial justice which we do not have in this fair land of ours.

In considering whether a law is desirable and whether it will be effective what do we ask ourselves? We ask ourselves, first, is there a need for this law? And I think that our first speaker has amply demonstrated that there is a need. Then we ask ourselves, will this law be just in its operation? Now, we have implicit faith in the courts of our country, and we believe that a court with jurisdiction over industrial disputes, operating under a basic labor code, would give justice. It may be asked where is that labor code to come from? That is very easy to answer. In the first place, certain fundamental principles were adopted by the Government in dealing with labor during the war. The National War Labor Board had a labor code similar to the one we are proposing tonight. We believe that from any angle from which you care to look at our proposition it is clear that with such a code the Courts can and will give labor justice. Australian labor leaders admit that they have secured justice under the Commonwealth Act. An article appeared in the London Times for May of this year on the Australian Law, and one of the statements therein read something like this: "The Australian law has been a complete failure, and laboring men are uniformly dissatisfied with it." This quotation was brought to the attention of the secretary of the largest union in Australia, and he commented on it in these words: "The statement that appeared in the London Times is absolutely opposed to the facts. It is positively false. My union, which is the largest union in Australia, numbering between 100,000 and 150,000 men, strongly endorses the law. We do not believe in direct action, and the unions which do believe in direct action have not been so successful as those which have been within the jurisdiction of the Court." And Justice Higgins tells us that unions have incorporated in Australia solely

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for the purpose of bringing themselves within the scope of the Act, and under the jurisdiction of the Court.

Having satisfied ourselves that the law is necessary; and that it will secure substantial justice for labor, we next ask, will this law receive the support of public opinion? We need only to call your attention to the coal strike of last year to answer that question. Why, Ladies and Gentlemen, the American people would have supported any measure that would have ended that intolerable situation. As it was, Attorney-General Palmer secured a writ of injunction directed against the miners under a law of very doubtful constitutionality, yet not a word of protest was raised against it, for the people realized the urgent need of some means of protecting the public. The coal strike evidenced a definite and concrete need for public protection, and who can say that in such an emergency, which is the only time that our law will be invoked, the American people will not be behind that law. Consider the case of Kansas. The law has been in operation in that State something less than a year. It had a very severe test when every miner in the State of Kansas struck in protest against it.

SECOND NEGATIVE

Kai Jensen, Washington

LADIES AND GENTLEMEN: As a means of securing justice for labor, the gentlemen of the Affirmative have advocated a labor code; as to the provisions of this labor code they have been extremely indefinite. Though they assured us that they would be very definite and specific, they have not been so, and we want to ask the gentlemen at this point just exactly how we are going to secure this labor code, just exactly who is going to sponsor it. Is it going to be handed down to us like the code handed down to Moses or is it to be the work of some new Hammurabi? We want to know exactly what this code is to be—all the gentlemen have told us so far is that it is going to be a panacea for all industrial ills. In other words, in the code which they are advocating this evening, they are going to write in letters of gold, "Labor is entitled to justice." Having done this they say, "Oh, Gentlemen of the Negative, can you not see where labor is to get justice? Why there it is in our labor code, 'Labor is

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entitled to Justice,' and now that labor has justice do you not see that the prohibition of the strike is absolutely fair and equitable?"

Now, the fallacy of their argument is simply this: they are assuming that which it is incumbent upon them to prove in the debate this evening, namely, that the labor code will secure justice. You cannot legislate justice into existence, and we want to tell the gentlemen of the Affirmative at this time that we are going to hold them to account upon this proposition; and we ask them to show us just how this code is to secure justice. Until they have done that they have failed to establish a case in the debate this evening.

They say that this labor code which they advocate is going to be somewhat similar to that which was adopted by the National War Labor Board during the war. Now just exactly what did that code provide? I quote from the report of that organization: "The principles adopted by the Labor Board are in a peculiar sense the principles of the United States government. They represent a new departure even among democratic nations. It is worthy of a self governing nation that this industrial constitution has behind it none of the repressive forces of law. It rests wholly upon the free suffrage of those whom it governs. . . More than a mere code of principles was desired, however. It was highly essential that such a code receive the sanction of those who must abide by it. What was desired was not an order imposed from above but a simple contract by both parties voluntarily entered into."

In other words if labor is to have a code, that code must come from labor itself and must not be handed down from above as the gentlemen of the Affirmative propose to do. We would also ask the gentlemen just exactly how they are going to secure the passage of this labor code. There are certain interests in the United States which are backing an anti-strike law at this time; but if you couple with that anti-strike law the labor code which the gentlemen of the Affirmative propose, the very forces which now favor anti-strike legislation, will oppose it for the simple reason that they do not wish enacted into law the things which must necessarily be contained in a labor code, such as that proposed by the Affirmative tonight.

Now the gentleman has assured you that the law has not been a success in New Zealand, and we are entirely willing to agree

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with the gentlemen upon that point, although we fail to see how such an argument betters the position of the Affirmative in the debate this evening. Then they assured you that in Australia there have been but two strikes since the Commonwealth law went into effect, but remember that they told you that the Commonwealth Act deals only with interstate public utilities. Now we agree with the gentlemen that there were only two strikes in fifteen years, but if we were to take a corresponding situation in the United States, we would find that there have been but three strikes since 1492. And not only that, Ladies and Gentlemen, but we find in the official bulletin of the Commonwealth of Australia for the years 1917 and 1918, that there were six hundred sixty-four strikes in essential industries during those years, and we call your attention to the fact that the gentlemen of the Affirmative in this debate are called upon to prohibit strikes, not in interstate but in essential industries. Now bear in mind that with all their anti-strike legislation there were six hundred sixty-four strikes in Australia in essential industries during the two years 1917 and 1918.

The gentlemen have quibbled with us upon the definition of essential industries in the debate this evening. They say that the essential industries include only the railways, the public utilities, and the coal mines; yet the gentlemen have referred to the Kansas law as a precedent, and the Kansas law says the production of fuel, food, clothing and the transportation thereof are all essential industries. Having relied on the Kansas law they are surely willing to uphold the definition of essential industries which is contained in that law. So much for the question of definition.

Now as regards the specific court which they are going to set up, we are not only going to point out that it is incumbent upon the Affirmative to show just exactly how labor can secure justice under that court, but we are going to show you that labor cannot secure justice under any system of courts which they might advocate this evening.

By the way, they quoted Mr. Timothy Shea as being in favor of the prohibition of strikes, if a labor code could be secured. Now we call your attention to the fact that all that Mr. Shea said was that he would like to see such a labor code come into existence; and so would we of the Negative; and so would all

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laboring men and women; and so would all thinking mankind, for it would mean a recognition of certain fundamental rights for which labor has been striving, ever since the Peasant's Revolt of 1381. But Mr. Shea did not say that he was in favor of a law prohibiting strikes when the code came into existence. He said that if it was secured and followed there would be no need for a law prohibiting strikes. Consequently the Affirmative tonight are advocating something which, if it could be secured and lived up to, would mean that they would have eliminated any need for their law and hence they would have destroyed the very foundation of their case as it has been presented here tonight.

He said that the existence of such a code was a prerequisite to any consideration of the limitation of the right to strike. He says get the code, then and not till then, will we consider a law prohibiting strikes. But, Ladies and Gentlemen, we haven't the code, and we are debating tonight the question of the prohibition of the strike, not in the Never-Never Land of Peter Pan, but in the United States of America in the year 1921. And remember that even the labor code cannot legislate justice into existence.

Let us again turn our attention to the system of courts proposed by the Affirmative. Such courts would necessarily be flooded with litigation for, due to the fact that there would be no incentive for collective bargaining, all disputes which are today settled amicably, would necessarily be brought into the court, resulting in an over-crowded docket and a consequent long delay in securing decisions, with the result that the decisions ultimately arrived at, however fair and just upon the original facts would be absolutely unfair and unjust in view of conditions which had arisen in the meantime.

We might go on and show you the difficulty of securing a fair valuation of the employer's plant; and with out such valuation a court would have no basis whatsoever by which to arrive at what would be a fair wage in any particular establishment. We might point out that the Interstate Commerce Commission, which the gentlemen have chosen as a model for their plan, has stated that it is impossible to secure a valuation of the railroad properties in the United States, let alone all public utilities. And if we could not secure a correct valuation, then, as we have pointed out,

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there would be no basis whatsoever upon which to even attempt to arrive at a fair decision.

We might go on, Ladies and Gentlemen, and point out that this court would and could operate only as an instrumentality of industrial oppression; that this court could sentence men to imprisonment without a jury trial,—and that in itself is sufficient cause to condemn it. But more important than all else is the fact that nine out of every ten business enterprises which are launched in the United States fail. Perhaps this seems to be irrelevant but I can very soon show you its connection with the industrial court which the gentlemen propose. The employers in these failing industries would cut wages in their endeavor to make a go of it. The industrial courts would investigate, find that the business was running at a loss, and with that as a justification, order a lowering of wages or an increase in the number of working hours. Such a process could be continued indefinitely. Labor no longer having recourse to the strike could but submit. The gentlemen say, "Oh! but the laborers could quit and seek employment elsewhere"; but that privilege would avail naught. All that they could do would be to throw themselves upon the mercy of some other employer whose concern might be in even a worse financial state. In other words the government of the United States under the Affirmative scheme will be standing back of every industrial establishment to guarantee that bad business deals shall be made good out of the pockets of the workers! The proposal of the Affirmative means that the government will guarantee the life of an industry at the expense of the lives of the men in the industry. Could any more diabolical scheme of industrial oppression be conceived of? It means the destruction of all that labor has gained since the time of feudalism. It means complete subjection to the will of the employer. It means that labor, comprising 80 per cent of the public, is to be placed in a position worse than that of a slave. Consequently we of the Negative contend that the plan of the Affirmative is absolutely unfair and unjust; that no such proposal can be justified on the plea of public necessity; that no such disturbance of the balance between labor and capital could constitute a real benefit to society. It would rather create disorder, unrest, and even revolution.

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These considerations alone are sufficient to answer the arguments of the gentlemen from Princeton this evening.

But we propose to deal with the Affirmative's proposition from a different angle. We propose to show you that labor and capital cannot be held in equal restraint,—and if labor and capital cannot be held in equal restraint, then the proposition of the gentlemen of the Affirmative is absolutely unfair and unjust. That the proposition of the gentlemen of the Affirmative means involuntary servitude for labor, can hardly be denied. The prohibition of the strike will mean that at a particular time a group of men will be compelled to serve a private employer against their will. Indeed if the law the gentlemen of the Affirmative advocate does not mean involuntary servitude, then it has failed in its very purpose, which is to keep the men at work at all times, that there may be no stoppage of essential industries.

This condition we repeat, can never be justified on a plea of public necessity. Capital, labor and the so-called public are involved in this discussion. A benefit of one or two of these elements at the expense of the other, disturbs the social balance and tends to create disorder and unrest.

However, the Affirmative have tried to justify their proposed measure with the plea that capital would be subjected to an equal restraint. This theory of the equal restraint of capital and labor was clearly enunciated by W. L. Huggins, the man who drafted the Kansas law, and later was made Chief Justice of the Court created by it, when he said:

We do not permit, for instance, organized capital, owning and operating a railroad system, to cease the operation of its trains merely because further operation might be considered disadvantageous. Why then should we permit organized labor, by striking, to stop the operation of the trains? Should not labor and capital be treated equally?"

Indeed the gentleman who has just preceded me used almost the exact words of Mr. Huggins when in the course of his argument he said, "We do not allow employers to quit. We do not allow the employer to close his public utility plant at will. Why then should we allow the laborers to do so?" The gentlemen stated that they predicated their case upon that argument.

On the surface that seems to be a fair proposition. But in reality it leaves out of consideration the fundamental and inherent differences between labor and capital. Labor is a human

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and not a property right. Labor is human toil and strength and life. Its rights transcend mere property rights. The proposition of the Negative is this: the lives of the men in an industry are more important than the life of the industry.

But even granting that equal restraint would justify the Affirmative's proposal, can such equal restraint be obtained? Take the "Seven Millers Case" in Kansas. When the Millers were arraigned before Judge Huggins did he immediately punish them for having shut down their plants? No! He instituted an inquiry to determine whether they were running at a loss. This inquiry is not concluded; if the fact is established that they were operating at a loss then they cannot be punished. This answers Judge Huggin's own argument upon which he had predicated his entire case for the industrial court of Kansas, and likewise destroys the Affirmative case which is predicated upon the same argument. That argument as the gentlemen stated it was this: We do not permit organized capital owning and controlling a public utility to cease operation merely because continued operation would prove disadvantageous to the owners, therefore the strike should also be prohibited. But the Supreme Court of the United States has in numerous cases laid down the common sense principle that an industry can not be compelled to run at a loss.

In the case of Brooks-Scanlon Co. vs. Railroad Commission of Louisiana, which was decided in March, 1920, it was the unanimous opinion of the court that a carrier cannot be compelled to operate even a branch line at a loss. The same opinion was expressed in Northern Pacific Railway Company vs. North Dakota, 231 U.S. 585, and in the case of Norfolk and Western Railway Company vs. West Virginia, 236 U.S. 605. In Missouri Pacific Railways Company vs. Kansas, 216 U.S. 26, it was the unanimous opinion of the court that the principle that an industry could not be compelled to operate at a loss was too well established to need further argument. Thus we see the falsity of the argument that the law is just because it will exercise an equal restraint on capital and labor. Labor and capital cannot be held in equal restraint. On the one hand you force labor into a condition of involuntary servitude on the theory that public necessity requires it. On the other we sacrifice the best interests of the public, allow it to starve, freeze

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or go naked; not to mention what happens to labor, which becomes jobless,—on the ground that capital cannot be compelled to operate at a loss. On the one hand the continued operation of the essential industries is secured through the sacrifice of personal liberty and of fundamental rights, in other words, the involuntary servitude of the worker,—while on the other hand the best interests of the public,—not to mention labor, are sacrificed because the employer is incurring a financial loss, however small!

We must conclude that even the material welfare of labor will not be secured through the specific plan which the Affirmative has advocated because the courts will be swamped with litigation; because of the tremendous difficulty of securing any fair valuation; and because these courts would and could only operate as weapons of industrial oppression. And finally I would call the attention of the gentleman who is to follow me to the fact that even if he could show that the material welfare of labor could be secured, that the same could be said for any scheme of slavery that has ever existed upon this earth.

THIRD AFFIRMATIVE

R. Miles Warner, Princeton

Mr. Chairman, Ladies and Gentlemen: The speaker who just preceded me left you with the fallacious impression that we would force labor into involuntary servitude. Nothing is further from the truth. Under our plan we do not deny the right of any laboring man to quit work at any time he pleases. Any laboring man in this country may quit work tomorrow under our plan, if he wishes, and seek employment elsewhere; but we do say that laboring men shall not form a combination to quit collectively and thus endanger the public welfare. We are only prohibiting a combination of workers from engaging in strikes which endanger the interests of the public. Under our plan as I have said any individual may quit work; as you see we are not forcing any man into a servile state. On the other hand we are giving labor rights it has failed thus far to secure under the old barbaric method of the strike. Let me quote from an article by Justice Higgins in the Harvard Law Review for December relative to what the industrial court has

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accomplished in Australia. "It would be impossible without a long and laborious analysis of the awards, to give an adequate summary of the benefits which the employees have obtained through the court. When the court came to deal with stokers at furnaces and with other men engaged in continuous processes it was found that these men had to work seven days per week, year in and year out; now they work only six days, under a rotation system. Men working in retort houses now get a week's annual leave on full pay. In clothing factories and shops, girls and women have had their hours reduced from forty-eight to forty-four per week, and for practical reasons men have to enjoy the same reduction. Females get the same minimum rates as men when in competition with them. Workers are allowed to form such associations as they think fit. Full craftsmen are protected from unfair competition with low paid machinists. Weekly wages have been substituted for a daily or hourly wage wherever possible; workers have to be paid for all time on duty whether the employer has work for them during such time or not. By a system of averaging their actual hours of employment casual workers get a full living wage; for they also serve who only stand and wait. The basic or living wage is computed and awarded on the principle that a normal man has a family and must earn sufficient to support it. Nor is the basic wage confined to the money necessary for the main requisites of life,—food, shelter and clothing; it allows something to come and go on. The wage is based on civilized conditions,—on the needs of the average employee regarded as a human being living in a civilized community."

The first steps have already been taken by the Congress of the United States to establish a basis for determining fair wages, for in the Esch-Cummins Bill it is stated that in any determination of wages, there must be taken into consideration; the hazards of the employment, the training that is required, the degree of responsibility, the character and regularity of the employment. These are the elements which must be taken into consideration in any controversy over wages. The strike as a method of fixing wages considers none of these elements. My friends, the only way to secure a fair wage is about the council table, before a board of arbitration, where it is possible to get together in a friendly manner, and have a full and fair

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discussion of the situation. The arbitrators are in a position to make a just award which should be enforced for the protection of the whole people.

Our friends have come back on Timothy Shea, Acting President of the Brotherhood of Railroad Firemen. Allow me to quote his exact words with reference to what we advocate: "If the right to strike or revolt against industrial conditions is to be denied, every consideration of justice requires that such legislation should be accompanied by an industrial code or bill of industrial rights for labor, such as the right to a living wage; the right to a reasonable work day; the right to organize and to deal collectively through representatives of their own selection; the denial that labor should be treated as a commodity; and similar principles which were adopted by our own government as a war policy towards labor, or which have been sanctioned by the enlightened opinion of the civilized world in the so-called labor provisions of the peace treaty. Under such a code, wage adjustment boards, or industrial courts, so to speak, would be given a code of the fundamental rights of labor as a basis for their procedure and decisions. There would then be a reasonable guarantee that the grievances of employees would be justly settled." And, Ladies and Gentlemen, we are advocating the very thing that Mr. Shea proposes. The acting head of the Railroad Brotherhoods does not think it is as impossible of achievement as the gentlemen of the Negative would have you believe.

They ask us how we are going to get this labor code. Why, My Friends, we invite the labor leaders of this country to help us get that code. If we are going to pass a law for the prohibition of strikes, we are going to get the public and the employers and the employees together, and we are going to enact a labor code and pass other bills providing for courts of arbitration which will insure justice for labor; and what the gentlemen seem to have overlooked,—justice for capital and the public. Justice has been secured in Australia by this method; justice has been secured in Kansas by this method. They say that there has been no trial of compulsory arbitration in this country. My Friends, it has been tried for almost a year in Kansas. What has been the result? Even though radical labor leaders told them to vote against the law, every labor district in Kansas returned an overwhelming majority in favor of men who favored com-

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pulsory arbitration and the prohibition of strikes. Why? Because they had seen how just it was; how it really protected their interests; and because they felt that now they had the right and opportunity to come forward and present their grievances to the public, which they had never possessed before. The old strike simply poisoned public opinion against them; and laboring men are reasonable and are glad to have the chance to present their grievances to a fair tribunal and have them passed on impartially. My Friends, we are the true advocates of labor's rights here this evening. One of the primary purposes of this measure is to make it possible for labor to get its fundamental rights under law, and if they cannot get justice under law, then, Ladies and Gentlemen, they can never get it at all because the appeal to brute force never determines a principle of justice; it simply determines on which side the might lies. If the employers are strong, they will crush labor, if they can; if unscrupulous labor is powerful, unscrupulous labor will attempt to coerce both employers and the public, if it can;—and the solution of the problem lies not in an appeal to force, but in an appeal to reason and fair play. The day is past when labor can be permitted to stand with a stop watch in one hand and destruction in the other and say, as Warren S. Stone, Chief of the Brotherhood of Locomotive Engineers said, "If you don't grant our demands not a wheel will turn east of the Mississippi and New York will starve to death." That threat emphasizes what the strike in essential industries means. What does our proposition mean? It means the simple evolutionary principle of getting around the council table and probing conditions and seeing what the hazards of employment are and what degree of skill and training is required; in brief a determination of the facts with relation to all of the elements which Congress in the Esch-Cummins Act, has said should be considered in establishing a fair wage. It means the issuance of a decree, fixing a fair and a just wage, and finally it means the enforcement of that decree.

There may be some mistakes, My Friends, even as there are in the civil courts today, but the principle is sound. If you have a dispute with your neighbor you go to a court to secure justice; if communities have disputes they go to the courts to secure justice. If great commonwealths such as the commonwealths of Washington and California have disputes, where do they go?

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Do they go to the arsenals to take up arms and settle the dispute by force? No, they too go to courts of law. Where do we hope that the great nations will go in the future for the settlement of their disputes? Surely not to armies and to navies. Where then? Why, to an international court of justice where their difficulties will be amicably settled in accordance with the sound principles of international law. Yet all we advocate is that capital and labor should be compelled to carry their disputes to an industrial court for arbitration and settlement. We say that the strike is nothing but a hold-over from barbarism; that it only means a resort to warfare in American industrial life today; and that it endangers the public welfare. We challenge the gentlemen of the Negative to dare to do right. We challenge them not to stand still and say, "Oh, we can't ever get a fair wage. Let's don't do it. Really, this would be rather oppressive on the working man."

Let's be sane, and consider for a moment whether the strike is really a benefit to labor. The first or the second Negative speaker, I forget which,—painted you a picture in which he told you how greatly the workingmen suffered from the strike. He said it was labor that starved and suffered the fundamental pains and the tribulations of the strike. And yet that is just what the Negative would like to continue. In other words, we have shown you it is dangerous to the public, and they have shown you it is dangerous and disadvantageous to the laboring man. And what have they to propose? Nothing but a laissez-faire policy. They are afraid to come around the arbitration table and find the solution for any industrial problem and then enforce that solution, and yet that method is in accord with all American principles of justice and fair dealing. We have shown you then that the prohibition of the strike is necessary to protect the public; that it is sound in principle; and not only that it is necessary and sound in principle, but that it means justice to all concerned, —to the laboring men, to the public, and to the employers.

Now, I hope to show you in just a few minutes that our plan of control through courts is not only so far superior to the old appeal to brute force that it is bound to succeed, but that it is also in accord with the evolutionary progress of society as a whole. How do you discover whether a thing will work? How do you discover whether a steam engine will go or not? You

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first investigate to see whether it is built according to sound principles of mechanics. If it has been, you presume it will work. But the final test is the actual trial. Our plan has had its trial and it has worked. They say that at best our plan is only worthy of further experimentation. We deny that it is any longer an experiment. It has already been tried in Kansas with supreme success. We know that it is sound; we know that it is necessary; we know that it is just. What do the gentlemen say against it? We have proved to you that it will work, because it is sound; because it is just; because it is in line with the evolutionary progress of society. One Negative speaker told you that the workingmen are not law breakers; that the workingmen are not going to overthrow this government or endanger the people through the strike; and yet another Negative speaker came before you and said that the measure promulgated by the Affirmative would lead to disorder, revolution, riot and sabotage. Why, My Friends, the Negative speakers have forgotten to agree as to whether they think that labouring men are loyal and law abiding or whether they think they are bolshevists. If this law meant riot and revolution, sabotage and disorder, every radical leader in the nation would be pleading with Congress to pass an act providing for compulsory arbitration and the prohibition of strikes. Why? Because if prohibition of the strike meant revolution and riot and disorder, they would be swept into control of the nation. But the radical labor leaders oppose the prohibition of the strike because they know it means an end of minority control; they know it means that the American government is going to step in and enforce justice for the whole people. Further the great mass of the workers are not mislead by and do not follow radical labor leaders;—the radical labor leaders in Kansas told them to vote against the compulsory arbitration law, and every single one, or at least an overwhelming majority, voted for it because it meant justice for them; it meant the end of starving and freezing to secure that to which they were justly entitled; it meant the triumph of justice over force.

The industrial situation may be likened unto a two-edged sword; one side is capital and the other labor. Periodically the people are asked to take hold of this sword with the result that they gash their hands.

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THIRD NEGATIVE

Kenneth Cole, Washington

The last gentleman who addressed you seemed to attach considerable importance to the statements of Mr. Timothy Shea. If the gentleman had commenced reading to you a few sentences earlier in Mr. Shea's article he would have read this to you: "There is no blinking of the fact that the real interest and vital significance of anti-strike legislation to the railroad employee is involuntary servitude. It will render him powerless in the presence of his most formidable and ruthless adversaries." If the gentleman had continued one sentence further he would have read this to you: "Protection of the public against strikes would then be unnecessary for they would never occur."

Now, Ladies and Gentlemen, let me summarize the case thus far. The first speaker told you there existed a condition of interdependence in this country today. We admit it; that is a Negative argument if anything, because under existing conditions in essential industries the worker is highly specialized, and there is no other work he can do if he is forced to, as the gentlemen say he may do if dissatisfied, quit work in any particular industry; a worthless boon, this privilege of quitting, which the Affirmative so graciously conferred. Therefore the strike is absolutely necessary, in order that men may not have to endure intolerable conditions in the industry where they have had experience and have become skilled workmen.

The next argument on the part of the Affirmative was that it is necessary to prohibit strikes because there is a possibility that in the event of certain contingencies arising the public will suffer from lack of food and fuel. The fallacy lies in this, that the laboring man in essential industries is one of you. You men holding union cards sitting here tonight are not any different from the rest of us; you have the same aspirations and ideals. You are not going to deprive any city of enough milk to feed the babies. You are not going to starve the public of which you and your families are a part. Consider the situation in Seattle during the general strike that Ole Hanson has talked so much about. Milk was furnished to the hospitals, milk was furnished for the babies; the public was fed clean, wholesome food at less than

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it had ever paid for it before; that's the way we starved in Seattle during a general strike.

Finally they tell you that the strike is too dangerous a weapon to repose in the hands of any irresponsible minority, and to prove that, the gentlemen have pictured the Congress of the United States trembling at the feet of organized labor. Ladies and Gentlemen, you know and we all know that Congress passed the Adamson Eight-hour Law, and most of us also know the circumstances surrounding the passage of it. The employees on common carriers wanted a basic eight-hour day, and the employers refused to grant it; they even refused to arbitrate the matter; and then Congress stepped in and said, "The demand of the Brotherhoods is fair and just; Eight hours shall be the basic working day on the railroads in this country." And that is the way, Ladies and Gentlemen, that organized labor overthrew the government. We ask the gentlemen if the Adamson Law wasn't a good law, and if as a matter of fact it shouldn't have been passed years before it was? They argue from the statements of a few radicals that the motives and aims of labor are such that the nation is endangered. We concede, Ladies and Gentlemen, that there are radicals in this country who want to overthrow the government of the United States. What do the gentlemen want to do? They want to pass a law prohibiting strikes in essential industries, but by doing so they are going to enable the radical agitator to say, "We have always told you that this was a capitalistic government, that it was against the workers, now the government proves it by forcing you into involuntary servitude." Gentlemen, the passage of the Act which the Affirmative proposes, will ratify in the minds of thousands of workers every lying statement which the agitators have made.

Our friends from Princeton say the situation is bad, but God forbid that we should inject into the situation the plan which they propose. But there is a fatal fallacy in the Affirmative argument. It is just this: we have been told here that the government of the United States, our poor weak government, must prohibit strikes because strikes are dangerous to that government; indeed that they have already menaced its integrity. In the same breath they tell us that this same government will have no difficulty in enforcing the most drastic legislation ever placed on our statute books. Talk about the prohibition of the liquor traffic,

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the prohibition of the strike is incomparably more difficult of enforcement because no man clings to booze as an ideal, but men are willing to die in defense of the right to strike. By the strike labor has climbed from industrial slavery to independence, and labor intends to use it to retain and strengthen that independence; —and it is going to take stronger arguments than the Affirmative has advanced tonight to make labor believe that its future advancement can be guaranteed when you have shorn it of its power.

You have been told that the strike is a weapon of violence,—they tell you the strike is something that the laborers use when they go out and grasp something that they are not entitled to from the employer. Ladies and Gentlemen, what is the strike? It is merely the collective right to quit; it is the right you and I have to quit our employment when the terms of that employment are not to our liking. Without it there could be no collective bargaining, because labor would have lost the ability to drive a bargain; it could no longer withhold its services.

They have contended that the public may at times suffer as a result of the strike. We contend that while the public may be inconvenienced on account of strikes there will be no actual physical suffering, and we have used what has been hailed as the greatest industrial uprising in the United States, the Seattle general strike, to prove our contention. The question is one of comparative justice. Are you going to prohibit the strike because it may at some time inconvenience the public, when to prohibit the strike is to take away a right which labor has come to regard as inalienable. Every court today says, that if there is one right that labor has, it is the right to strike for better wages and better working conditions. No matter what may be your belief, the fact remains that the men who toil, the men who will be most vitally affected by the proposed act, believe that the right to strike is inalienable.

Now, Ladies and Gentlemen, we have already pointed out in some detail the defects in the Affirmative plan. We have shown you that it has never been tried successfully. Our opponents have advocated the Kansas law, but the Industrial Commission of the State of Washington, in a report made public within the last week, says that the Kansas law is still too much of an experi-

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ment to justify a trial in the State of Washington; and the Affirmative want to saddle it onto the United States as a whole. The Kansas law on which the Affirmative base so much of their argument is found to still be an experiment, and a very doubtful one.

Let me impress upon you again the force of the argument advanced by the second Negative speaker, that no court that the gentlemen can set up can have any basis for fixing a fair wage; and that no court that they can set up can restrict capital to the same extent that it restricts labor; and finally that while in times of prosperity, when the strike is absolutely essential in order that the workingman may have a chance to better his condition, the Affirmative propose to make him stay on the job, to work against his will; but when times are hard, when it is absolutely essential that the laboring man have his job, the profit in the industry will disappear and the industry will shut down. Then the laborers are thrown out of employment, and the public, which the gentleman profess to be so solicitous about, may be damned.

At this point I desire to call your attention to the fact that the gentlemen have not answered any of these arguments. We have nothing but a reference to a nebulous something called a "labor code." The gentlemen seem to feel that all it is necessary for them to say in this debate is, "We will give you a labor code." But what we want to know is exactly what that code is going to contain, and more than that, we want the gentlemen to meet our arguments and show exactly how the Interstate Commerce Commission or any other court can decide on a fair wage for labor.

My Friends, there are two acid tests that any plan proposed by the gentlemen of the Affirmative must meet. The first of these is: Will it tend to minimize industrial strife? The second: Can it accomplish this result without resulting in injury or injustice to any class in society? We have thus far shown you that it inevitably will work a great injustice to labor. Now, will it tend to decrease industrial strife? It is the contention of the Negative that no single piece of legislation is better calculated to stir up class hatred and bitterness, and widen the breach between employer and employee than the plan proposed here this evening.

The gentlemen will admit that fifty years ago when the em-

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ployer and the employee met together and the employer was able to bargain with each employee individually, the employee was forced to accept the terms laid down by the employer. Now we have labor organized into unions and the employers organized into associations such as the Associated Industries. Their representatives get together and decide what should be the terms of the trade agreement. That is called collective bargaining, and every economist in the United States and every industrial commission agrees that the collective bargain is desirable and has come to stay. You will notice the gentlemen have based their case on the assumption that we were still to have collective bargaining, still to have mediation between the organizations representing capital and labor. Ladies and Gentlemen, they can't eat their cake and have it.

You cannot have collective bargaining and at the same time take away the right to strike. What does collective bargaining mean? It means that the employees when they are organized and meet the employers as an organization, instead of as individuals, are able to get better terms from the employers than when unorganized. Why can they get better terms? Because they have the right to strike, which is merely the collective refusal of the terms of the employer.

Destroy the force behind the collective bargain and you nullify the greatest step that has thus far been made toward industrial peace. You plant in its stead the seeds of rancor and class hatred. There is a suppression that fails to suppress, and that is the kind of suppression the Affirmative proposes here. You are taking away from a minority in this country the right to strike, a right that they regard, and justly so, as absolutely inalienable under existing conditions, and in return you give them what? An Interstate Commerce Commission Court that we have shown you has no basis for determining a fair wage, that cannot restrict capital to the same extent that it restricts labor. We have asked again and again that the Affirmative shoulder their burden of proof and show you how this court is going to secure justice for labor, their only answer has been that we will have a labor code, and when we ask how that will secure justice for labor, they reply that they know it will be just. Frankly, we don't know it, and don't believe it, and we want to know, how they know that labor will secure justice.

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FIRST NEGATIVE REBUTTAL

Hamlet P. Dodd, Washington

LADIES AND GENTLEMEN: It is my privilege as first speaker in rebuttal for the Negative to briefly summarize for your consideration the case that the Affirmative has presented here this evening. In the first place, before I enter into the case of the Affirmative I want to point out three things which it is incumbent upon them to prove if they are to sustain their burden of proof in this debate. First, that we need a law of the kind which they propose; second, that the law which they propose is a law that will satisfy the need which they point out; and third, that the law will work and can be enforced.

Ladies and Gentlemen, they started out with an attempt to point out for your consideration a public need. Now I shall show you out of their own mouths that they are but legislating against possibilities, which certainly goes to prove that much of the need referred to by the gentleman is visionary. In my opening speech I said that the gentlemen of the Affirmative were attempting to legislate against possibilities. They have come before you here this evening and said in effect, "of course we are interested in legislating against possibilities." Ladies and Gentlemen, if we are going to legislate against all of the possible evil consequences that may result from present day conditions, we can legislate from now to infinity without solving any problem facing the American public at this time. What we are concerned with in this debate is whether or not there is a sufficient need actually existing, not in the realm of what the Affirmative may imagine, to warrant the adoption of the plan which they propose.

On the issue of practicability they have attempted to urge the justice of their measure upon you, and then attempted to legislate that justice into existence by means of a labor code. The third speaker of the Affirmative said in substance that we were afraid to advocate the enforcement of justice against labor. Ladies and Gentlemen, we are not considering whether or not the strike is the ideal method of solving industrial conditions; we are not considering whether or not modern industrial conditions are exactly ideal; what we are considering in this debate tonight is whether the prohibition of strikes will be a step toward remedying present day industrial conditions or whether it will merely

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intensify existing evils. Consider on the one hand the strike, and on the other hand the Court similar to the Interstate Commerce Commission which they have proposed this evening. Ladies and Gentlemen, we have demonstrated that because of certain inherent and fundamental defects such a court can never secure justice. We have pointed out the fact that it has not succeeded in Australia and New Zealand, and we have quoted for your consideration the report of the Washington Industrial Code Commission which says that the Kansas law has not yet proved itself a success; and yet the gentlemen would urge upon you the justice of their position.

As a matter of fact, is the strike an absolute contravention of all elements of justice? Ladies and Gentlemen, the strike is merely a method, by which labor is able to secure its value in the open market; to substitute for the monopoly in the labor market, formerly held by capital, the operation of the law of supply and demand. That is all it has been used for, and that is all that we are discussing in this debate. If you believe in the theory of competition, if you believe in the theory of supply and demand, then labor certainly has a right to take such measures as are necessary to secure its worth as a commodity in the open market. The gentlemen say we are afraid to enforce justice, when as a matter of fact they have not shown that the smallest iota of justice will come as the result of their court; they have dwelt, as I have pointed out before, in the realm of theory. We have yet to see proven the value of a single one of the contentions of the gentlemen, in practical, every day American affairs.

We have shown first, that there is no necessity for the proposed law; second, that justice cannot be secured through it; and finally we ask the question, can the law be enforced?

Justice is to be secured, we are told, by having Congress enact a labor code. Congress is evidently to do most of the work for the gentlemen of the Affirmative in the debate tonight. They refuse to assume their real burden and pass it on to Congress.

FIRST AFFIRMATIVE REBUTTAL

Charles Denby, Jr., Princeton

LADIES AND GENTLEMEN: I will take up one or two of the points which the preceding speaker stated had not been met by the Affirmative.

In the first place the gentlemen deny the necessity of legis-

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lation to safeguard the public against the possibility of injuries from the strike in essential industries. Why, of course, you must legislate against possibilities, but you need not be guided by the mere imagination of possibilities. Let me give you a few of the results from strikes. In the Massachusetts railroad strike of 1877, public safety was only secured after the militia had been called upon to enforce order at the point of the bayonet, twelve people were murdered, and millions of dollars worth of property was destroyed. During the Homestead strike of 1892 many lives were sacrificed; much valuable property was virtually ruined; and forty non-union men were poisoned at their meals. In the coal strike of 1894, there was battle and assassination in eleven states. The commissioner of labor estimates that the strikes in essential industries from 1881 to 1886 cost fifty-one million dollars. Ladies and Gentlemen, we are not only going to enact a law against an existing menace but to guard against the possibilities of future injury.

The gentlemen say there is no basis by which we can arrive at a fair wage. We say that it can never be achieved by means of the strike. As to the justice of our proposition we will ask you why many a just strike has failed and why many an unjust strike has succeeded. Take one instance, the telegraphers' strike. It failed. Why? Because the unions were not powerful enough. What did they demand? An eight hour day; that women doing the same work as men receive the same pay as the men. Were those not fair demands? But the strike failed. Why? Because the unions were not powerful enough. That is the type of justice secured by the strike. We propose to give justice insofar as it is humanly possible, and we contend that the best way to secure justice is for the parties to get together and calmly deliberate; if they fail to agree, then to have a competent tribunal arrive at a decision from an impartial standpoint. They attempt to discredit the labor code, yet it is the best plan that can be offered for the procurement of industrial justice. The Commonwealth Law of Australia which was based on a labor code has been a great success. I will come back to that in a moment. The labor code will be something on the order of our constitution. What is the basis of the justice we get nowadays in this country in disputes involving individuals and states that come within the jurisdiction of the courts? The constitution of the United States. This labor code is a constitution for labor and will grow by judicial interpretation just as the constitution of the United

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States has grown. Our Constitution said that Congress should have power over Interstate Commerce and, the Supreme Court has by interpretation enlarged the definition of commerce to include and meet changing conditions. That is what we propose to do by this labor code. It is the only way we can arrive at justice. Why, a successful strike does not necessarily mean that justice has been achieved, any more than might makes right in any other walk of life. We propose to submit such questions to the courts for a just decision. We point to Australia. Now, the gentlemen of the Negative have attempted to leave an impression with you that is not correct. They said that there were six hundred sixty-four strikes in Australia, and we do not deny that, but we do say that those strikes did not come within the province of the court to which we refer, that is, the Commonwealth Court. We would ask the gentlemen of the Negative if the Commonwealth Law in Australia has been such a failure? There have been local strikes of course; these six hundred sixty-four strikes were local strikes; but over these the Commonwealth Court did not have jurisdiction. They say that justice cannot be obtained through such courts. Do the gentlemen of the Negative assert that the labor court in Australia has failed to give justice? We have shown that the conditions in Australia have been exceedingly good in those industries which have been within the jurisdiction of the court. Workers who have come under the jurisdiction of the court have received the highest measure of justice.

SECOND NEGATIVE REBUTTAL

Kai Jensen, Washington

LADIES AND GENTLEMEN: The last speaker asked us to explain the situation in Australia. All right, Ladies and Gentlemen, we say that there have been six hundred sixty-four strikes in essential industries in Australia during the years 1918 and 1919. This the gentleman admits, but he says the Commonwealth Law did not cover this situation. If it did not cover essential industries then why was Australia given as an illustration in the debate this evening? Moreover, Ladies and Gentlemen, he did not tell you that there were only twenty-eight cases that came within the jurisdiction of this court; and as there were strikes against

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the award in two of them, that meant that the court failed in over 6 per cent of the cases that it undertook to settle. This suppression of these vital facts is in entire accord with their whole policy this evening, for the policy of the gentlemen of the Affirmative this evening has been one of deliberate misrepresentation throughout. They have misrepresented the facts as regards Australia; they have misrepresented the purport of the statement of Mr. Timothy Shea. They have misrepresented the situation in that they would have you believe that they are only going to prohibit those strikes which are going to seriously affect the public welfare, while as a matter of fact, the measure they advocate would prohibit a strike in any mine where the wages are low, the hours long, and conditions in general intolerable. They have misrepresented the situation in Kansas. They say that the majority of the people in Kansas are in favor of the law; that may be true because 95 per cent of the population of Kansas are engaged in agriculture; but in addition to that, they say that labor is in favor of the Kansas law, and that is not true. Only the other day representatives of thirty-eight unions passed a resolution to this effect:

"Resolved: That we do go on record as condemning the undemocratic law of the state of Kansas, as approved by the governor of that state; and the imprisonment of Alexander Howatt and his associates of District 14 under the provisions of that law for no other reason than the exercising of rights given them by the constitution of the United States of America." Could the opposition of labor be more clearly and definitely stated? Yet this resolution was passed more than two months after the law went into effect.

In addition they have endeavored to show that public opinion is back of the law which they are advocating. If this is true we ask them to explain the stand of the Washington Industrial Commission and the stand of the Commission on Industrial Relations, the stand of the National War Labor Board, the stand of the Department of Labor, the stand of the President's Mediation Board, the stand of the Second Industrial Commission, the stand of Congress when it repudiated such a provision in the Esch-Cummins Act. If public opinion is in favor of their law, we ask them to explain away these facts.

They say as the basis of their labor code they will use Section

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307 of the Esch-Cummins Act, yet paragraph (d) of Section 307 reads, "The scale of wages paid for similar kinds of work in other industries shall be used to determine a fair and a just wage." What does that mean? Simply this; that in order to determine what a fair wage is they are going to those industries where the strike still remains. The gentlemen themselves confess by their advocacy of Section 307 that the strike in the last analysis is the only means of determining a fair and a just wage. Could there be any greater justification for the strike? And moreover, Ladies and Gentlemen, in this labor code which they themselves advocate anti-strike legislation is conspicuous only by its absence. They do not tell you that Congress specifically repudiated the provision which they are advocating this evening. When it passed the Esch-Cummins law it eliminated that provision which prohibited strikes or lock-outs.

The third speaker has endeavored to assure you of the justice of their proposition by saying that the labor code will secure justice. But in this connection through a very peculiar process of reasoning the Affirmative has assumed what it was incumbent upon them to prove in this debate. In substantiation of this permit me to quote from the latter part of the third speaker's constructive speech. He said, "We know that it is sound, we know that it is necessary, and we know that it is just," and then in the very next sentence the gentleman says, "It will work because it is sound, it is honest, it is just."

This very clearly revealed the fallacy of the Affirmative case this evening for, even granting that the Affirmative knew their law to be fair and just, the fact remains that they have quite palpably assumed that which it is incumbent upon them to prove in the debate tonight, namely that the measure they propose is necessary, sound and just. It is absolutely essential that they demonstrate that it is fair and just in actual operation, and this we refuse to allow them to assume as they have done thus far. I told them in my constructive speech that I was going to hold them strictly to account to show just exactly how their law could be made to operate fairly and justly. Ladies and Gentlemen, the moment of reckoning has come; we are going to hold them to account; we are going to show you that they have absolutely failed to prove that their law will be just. All they have said is that they know it is fair and just, and when we asked them how

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it would be administered they said, "We are going to leave that matter to Congress; that is something for Congress to determine." Now, Ladies and Gentlemen, we want to call your attention to the fact that the debate this evening is not between the University of Washington and Congress, but that this debate is between the University of Washington and the gentlemen from Princeton; and unless they can show just exactly how labor is to secure justice, we say that they have failed in the fundamental purpose of the debate this evening; and we ask them again at this late stage of the debate to show just exactly how they are to secure justice through the measure they propose. This is something that Congress admitted it was not in a position to do, when it refused to pass the anti-strike provision of the Esch-Cummins Act. When it turned down the anti-strike provision of the Esch-Cummins Act the Congress admitted that it did not know how to accomplish that which the gentlemen of the Affirmative are endeavoring to shift upon its shoulders this evening. The situation is this,—the gentlemen say, we can't tell you how such a measure will secure justice for labor—that is a function of the Congress. The Congress says, we can't see how it can be done. The Congress is no wiser than the gentlemen of the Affirmative, and refuses to shoulder the burden that the Affirmative seeks to shift to it.

SECOND AFFIRMATIVE REBUTTAL

Alfred J. McCormick, Princeton

LADIES AND GENTLEMEN: The Affirmative in this debate would be very sorry to leave with you any misconception of the facts in the case, and we would apologize for any misrepresentation; but we deny that we have at any stage misrepresented the facts. The Negative assert that we have misrepresented the true condition in Kansas. I told you in the very last words of my speech that on the day after the law went into effect the miners went out on a strike in protest against the law, but as I was about to say, the very next day when the purpose and scope of the law had been explained to them, they went back to work to a man. Secondly, they say that we misrepresented the facts in our quotation from Mr. Shea. Mr. Shea enumerated those principles which should be contained in a labor code and said that they had been recog-

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nized throughout the civilized world. Mr. Shea assumed that these principles would be very easy to put into operation. They say that we neglected to add the next statement from his article, to the effect that if these principles were put into practice, protection of the public against strikes would be unnecessary. All right, add that statement, and we find that while Mr. Shea is against the prohibition of strikes, he recognizes that justice can be done and strikes can be prohibited. And finally they tell us that we misrepresented the situation in Australia. That also we flatly deny. The Australian Commonwealth Law has been manifestly successful; it is recognized by every one in Australia as successful. If you accept the definition of essential advanced by the gentlemen of the Negative, we admit that there were six hundred sixty-four strikes in Australia, but take the railroads and public utilities enumerated in the definition presented by the first speaker for the Affirmative, and it is very easy to see that anti-strike legislation in Australia has been successful. I quote now from Justice Higgins; this is what he says speaking about the popularity of the court and what it has done for labor, "So strong is the preference for the new court that the President is frequently asked by both sides what ought to be done when some difference arises, and both sides agree to abide by his decision, whatever it may be." Ladies and Gentlemen, it is not a failure. Labor is for it. Capital is for it. Wherever the law has operated a fair wage has been obtained, and we call your attention to the fact that nowhere in the world is there a greater measure of industrial democracy than you find in those countries that have prohibition of strikes under a labor code and a labor court.

Now, is the right to strike, after all, essential to collective bargaining? What does collective bargaining consist of? It consists of the right of the employer and his employees to come together and agree on the terms and conditions of employment, of recognition of the right of the employees to unionize and to deal collectively with the employer. We approve all of that, only we wish to curtail the right of collective withdrawal, the right to strike. Ladies and Gentlemen, the right to strike has only been in existence and recognized by the courts for fifty years; it is not an inherent right by any means. Further it is not necessary to collective bargaining; it is evidence of the failure of the

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collective bargain and a resort to force. We believe so firmly in collective bargaining that we would make it mandatory.

Now, the last element, the justice of the law with a labor code, why, the trades union movement today has reached the point where it ought to get some of its gains incorporated into a labor code. Labor is now enjoying its seven years of plenty and has made great gains, but labor should beware lest in the seven lean years which are to follow, it lose the things that it has gained in the seven years of plenty. Let it be given a labor code; let it be given a permanent recognition of its fundamental rights. After all, Ladies and Gentlemen, in spite of the aspersions cast upon our proposition by the gentlemen of the Negative, we advocate simply—public protection. We are confident we have demonstrated a great public need; and that there is a minority in this country that has the power to dominate the government. We believe the time has come for legislation to protect all members of a society so dependent upon the uninterrupted functioning of essential industries as we have become. We restricted capital when it became so powerful as to become a menace; we now feel called upon to restrict a class of labor which has in turn become a menace.

THIRD NEGATIVE REBUTTAL

Kenneth Cole, Washington

LADIES AND GENTLEMEN: I think it hardly necessary to come back to Mr. Timothy Shea again, because it seems that Mr. Shea is to be an authority for the side which quotes him last, and the gentleman of the Affirmative who will follow me has the last say in this debate. However, I did quote to you Mr. Shea's statement that the prohibition of strikes would mean involuntary servitude. If that looks to you, Honorable Judges, as though Mr. Shea was in favor of abolishing the strike;—the gentlemen may regard him as their authority and be welcome to him.

The next thing that the last speaker dwelt on was Australia. He said that we could not show you that the law had not been a success in Australia. Something like 6 per cent of the disputes that were submitted to that court resulted in strikes. During the war when labor was hard pressed; when the prices of

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food and clothing were going up and wages remained static, we had something like seventeen hundred disputes brought to the War Labor Board, and we had less than one-half of one per cent that amounted to even a threat of a strike. There you have a direct comparison between the results attained by the method that we are using in the United States and those secured under the labor code of Australia.

Permit me to come back now to the interpretation of this question. Our first speaker pointed out that the question called for a debate on the prohibition of the strike under existing and not under ideal conditions; for a debate on the prohibition of the strike and not for a debate on the question of the adoption of any system of industrial courts which the Affirmative might devise.

We however consented to debate with the gentlemen on their interpretation of the question, provided that they would meet us on our interpretation of the question, leaving you, Honorable Judges to decide which was the correct interpretation; and then to decide who had won the debate on that interpretation. Now we have debated the gentlemen on their interpretation and we are entitled to a debate on our interpretation, in turn. The reason that we have not kept our interpretation constantly before you during the whole of this debate is that we intended to show you out of the gentlemen's own mouths that ours was the correct interpretation; and this I will now do. In the first place they admit to you that they are going to set up a court similar to the Interstate Commerce Commission; so we find ouselves debating the question as to whether or not strikes should be prohibited if we have an industrial court. In answer to our criticism of this Court, they say, "Those objections will be met by the adoption of a labor code." We are then debating the question of whether strikes should be prohibited if we have an industrial court and a labor code. Our contention was that if the debate went beyond the question as it was stated, the Affirmative would constantly seek to evade the burden of proof by advancing some new proposition to meet any specific objection we might make to their plan; the gentlemen have amply substantiated that contention.

Let us direct our attention for a moment to the labor code; the gentlemen say that it will be something like a constitution, something like a Bill of Rights. Now, if we were to accept their

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illustration, permit me to point out that the second amendment to the Constitution of the United States, which forms part of our so called Bill of Rights, states that the right to keep and bear arms shall not be infringed. There you are; if there is any analogy at all, between the constitution and the labor code that the gentlemen advocate, one of the first things that they will have in the labor code is a provision granting to labor the right to strike when necessary, in order to make sure that the provisions of the labor code are made effective.

As I have pointed out the Affirmative have spent most of their time in evading the original question which meant prohibition of strikes in essential industries, and have run from pillar to post, from Australia to Kansas, trying to find some machinery which would make that prohibition just.

But to return to a consideration of the debate on the question which the gentlemen have formulated. What are the outstanding issues in that debate this evening? There is only one;—can labor secure justice under the plan proposed by the Affirmative? We have shown you conclusively that there is no court yet devised that can arrive at a fair basis for determining the wage which labor is to receive. There is no court yet devised that can restrict capital to the same extent that it restricts labor. The gentleman's only reply to that was that they would secure justice by means of a labor code. But, Ladies and Gentlemen, unless they can show you how the labor code will secure justice for labor they have failed to prove their case, under their own interpretation of the question. Not content with having shown that injustice to labor is bound to result from putting their plan into effect, we went further than that and we showed that instead of diminishing industrial strife the plan that they propose would actually increase it tenfold. They put the employer and the employees in opposition to one another; they become litigants before the industrial court. The spirit of mediation and conciliation which is gaining headway today will be replaced by the spirit of litigation. Not only is the measure proposed by the Affirmative not necessary, but the only demand for it is created by the organs of the Associated industries. The strike receives the sanction of the courts; every public man says that there is no demand for such legislation. I thank you.

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THIRD AFFIRMATIVE REBUTTAL

R. Miles Warner, Princeton

MR. CHAIRMAN, HONORABLE JUDGES, WORTHY OPPONENTS, LADIES AND GENTLEMEN: The last speaker left with you the impression that there is no means of securing justice; and that the courts are unanimous on the proposition that laboring men should not be deprived of the right to strike. That is not so. The United States Supreme Court, Ladies and Gentlemen, is the head of the American judiciary, and in the late case of Wilson vs. New, 243 U.S., Chief Justice White said, "Whatever would be the right of the employee engaged in a private business to demand such wages as he desires, and by concert of action to agree with others to leave upon the same conditions; such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which, the power to regulate commerce possessed by Congress applies; and the resulting power to fix, in case of disagreement and dispute, a standard of wages and working conditions." That is the last word by the Supreme Court of the United States. The men who accept employment in any business charged with a public interest, and those are the businesses to which we have limited ourselves in this debate, must recognize a limitation on their so-called "right to strike."

Now the last speaker has said that the essential feature of this debate is justice to labor, and he asked "How are we going to get this justice?" Will the labor code give justice? Now, I apologize for quoting Mr. Timothy Shea again, but since they have brought it up I will simply tell you what he said. Of course he is not for the prohibition of strikes but he says, if you are going to prohibit strikes, you must have a labor code, and these are his very words: "Under such a code, wage adjustment boards, or industrial courts, so to speak, would be given a code of the fundamental rights of labor as a basis for their procedure and decisions. Only under such conditions would there be a reasonable guarantee that the grievances of employees would be justly settled." Of course he is not for the prohibition of strikes out and out, but if you are going to prohibit them you must have a labor code, and that is the first step in our proposal.

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Now let us get away from Mr. Shea, and quote from a man, whom every red blooded American respects, Mr. Elihu Root. He says: "We should by law limit the right to strike where it comes in conflict with the higher right of public protection;" and the Supreme Court has said the same thing. Now it has been stated that Congress rejected the provision for compulsory arbitration contained in the Esch-Cummins Act. So did the Colonies reject the Constitution of the United States. It took Alexander Hamilton and a few other men quite a while to convince the people they needed such a constitution. Just because Congress did not express the principle for which we contend in clear and unmistakable terms in the Esch-Cummins Act is no indication that they will not clarify and improve upon that law in the future. But the fact is that the United States Industrial Wage Board on December 17th issued a decree in which it said that certain carriers and certain employees must refer their disputes to the wage board set up by the Esch-Cummins Bill, or else they would be violating the letter and spirit of the law. This is their exact language, "It has come to the knowledge of this board that certain organizations of railroad employees have refused to refer disputes, undecided in conference, to this board, and have submitted strike ballots thereon to their membership. Such conduct, in the judgment of this board constitutes disobedience to the letter and spirit of the act." In other words, it is a question whether Congress has not already passed a law for the compulsory arbitration of industrial disputes.

Now with regard to Kansas. Let me quote you a telegram recently received from Governor Allen. It reads: "The recent election in Kansas overwhelmingly favors the Industrial Court. Legislature is unanimous for continuance of the law." Labor papers say that labor has found a friend in the Kansas court. They say that labor has found it to be a just and a fair court. In the last election thousands of laboring men, belonging to unions, supported Governor Allen because they approved of this method of settling disputes. This court has been in operation for many months; and has rendered decisions in many cases. One case is worthy of specific mention. For years the mine owners had charged interest on wage advances and the interest rate was high. This practice the industrial court promptly abolished. In one instance it decided a case in favor of the miners in forty-eight

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hours. That is the speed that you get under the Kansas law. Yet our opponents say that labor can't get justice. You get justice much more quickly under the sane methods of the wage board and the industrial court than you can under the old method of appealing to brute force, where the man who has the most strength on his side wins.

Now the proposition comes down at the last minute to this: can a measure such as we propose be enforced? Of course it can be enforced. Mr. Lewis of the Miner's Union said during the recent strike, "We are American citizens and we must obey the law." And The Railroad Trainman, the official organ of the Railroad Brotherhoods has said that our laws must be obeyed. The measure we propose must succeed. Why? Because it is sound, it is just, it is honest, it is practical. The position of the Negative reminds me of the attitude of the grandmother of the inventor of the steam-engine. As she came out to the track and saw the engine for the first time she said, "It will never run; it will never run; it will never run." But the grandson, filled with sublime confidence in his invention, took the old lady up on the seat behind him and as she sat there he pulled down the throttle and the wheels began to move and the cinders began to fly down the old lady's back and she held up her hands in horror, exclaiming, "It will never stop; it will never stop; it will never stop."

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BIBLIOGRAPHY

THE PROHIBITION OF STRIKES IN ESSENTIAL INDUSTRIES

Books and Pamphlets

Australia. Bureau of Census and Statistics. Labour and Industrial Branch. Prices, purchasing-power of money, wages, trade unions, unemployment and general industrial conditions, 1918. p. 132-61. July, 1919.

Bureau of Railway Economies Library. List of references on the right to strike., comp. by M. B. Ladd. 16p. Wash., D.C. 1919. (See also Special Libraries, December, 1919).

Crowther, Samuel. Why men strike. $1.75. Doubleday, Page & Co. 1920.

Federal Council of Churches, Commission on the Church and Social Service. Report on the strike in the textile mills of Lawrence, Mass., Feb.-June, 1919, pa. 10c. 105 E. 22d St. 1920.

Foote, A. R. Right to strike. 61p. Ohio Board of Commerce, Columbus. 1921.

Foster, William Z. Great steel strike. *$1. pa. *50c. Huebsch. 1920.

Gompers, Samuel and Allen, Henry J. Debate. (New York, May 28, 1920). $1.50. Dutton. 1920.

Holmes, John Haynes. Is violence the way out of our industrial disputes? *$1.25. Dodd. 1920.

Marcy, M. E. Right to strike. pa. 10c. Charles H. Kerr & Co., 341 E. Ohio St., Chicago, Ill. 1920.

Merritt, Walter G. Social control of industrial warfare. 47p. League for Industrial Rights, 135 Broadway, N.Y. 1920.

National Industrial Conference Board. Conciliation and arbitration in New Zealand. p. 31. Number of strikes in New Zealand, 1894-1918. 1919.

Digitized by Google

New York. Public Library. Municipal Reference Branch. Selected list of material on municipal strikes. 7p. Typew. 45c. 1920. (Obtained thru the Public Affairs Information Service, 11 W. 40th St., New York).

Olds, Marshall. High cost of strikes. 286p. $2.50 Putnam. 1921.

Sumner, William G. Forgotten man, and other essays. p. 239-53. $2.50. Yale Univ. Press. 1918.

United States. Bureau of Labor Statistics. Operation of the industrial disputes investigation act of Canada, p. 95-118. Jl. '18.

Warren, L. L. Industry, society and the human element. pa. gratis. Sherman Service, 10 State St., Boston. 1917.

Periodicals

American Architect. 116: 549-51. O. 29, '19. Strikes as old as pyramids.

American Federationist. 27: 41-50. Ja. '20. Broken pledge. Samuel Gompers.

American Federationist. 27: 150-4. F. '20. Lying, the barrier to justice; recent strikes and the public press. Samuel Gompers.

American Federationist. 27: 1014-22. N. '20. High cost of strikes.

American Industries. 20: 17-19. Jl. '20. Use of force makes strikes unlawful.

American Journal of Sociology. 26: 207-11. S. '20. Why men strike. J. J. B. Morgan.

American Labor Legislation Review. 10: 60-8. Mr. '20. Challenge of the industrial situation in America. John A. Fitch.

American Machinist. 53: 1087-9, 1141-4. D. 9, 16, '20. Law in regard to strikes. C. C. Sherlock.

American Magazine. 89: 9+. F. '20. What these strikes cost you in money. R. W. Babson.

Automotive Industries. 42:924-5. Ap. 15, '20. What led up to the unauthorized railroad strike? H. Tipper.

Automotive Industries. 44: 415-21. F. 17, '21. Labor statistics indicate recent industrial trends. N. G. Shidle.

Americas. p. 1-4. O. '19. Rights of society are paramount to those of strikers. George E. Roberts.

Canadian Labor Gazette. 20: 267-94. Mr. '20. Strikes and lockouts in Canada during 1919.

Century. 100: 518-20. Ag. '20. Divine right to quit work. G. Frank.

Digitized by Google

Coal Age. 18: 1037-40. N. 18, '20. Last stand of the open shop; United mine workers of America have precipitated a strike. R. W. Hinds.

Coal Age. 19:323-4. F. 17, '21. Two closed shop fights and strikes against industrial relations court outstanding features of 1920. R. D. Hall.

Coal Age. 19: 631-2. Ap. 7, '21. Six months strike in Alabama; United mine workers of America failed in their efforts to dominate the coal industry.

Collier's. 66: 9-13. N. 27; 11-13. D. 4, '20. Collier's strike cure; and its critics; symposium.

Congressional Record. 56: 5390-8, Ap. 12, '18. Statement of Samuel Gompers: discussion by L. Y. Sherman and others.

Congressional Record. 59: 1057-61. Ja. 5, '20. Statement of Samuel Gompers.

Contemporary Review. 116: 483-7. N. '19. To avoid strikes. Charles A. M'Curdy.

Current Affairs. p. 9+ D. 1, '19. Strikes and the public. John W. O'Leary.

Current Opinion. 68: 564-6. Ap. '20. Why and how strikes derange the pocket-nerves of everybody.

Current Opinion. 69: 874-5. D. '20. High cost of recent strike victories.

Economic Review. 3: 468. My. 6, '21. World's strikes in 1920.

Engineering and Contracting. 52: 600-2. N. 19, '19. How we found a cure for strikes. B. P. Disque.

Fortnightly Review. 112: 705-16. N. '19. Labour policy, the mistake and a possible solution.

Independent. 98: 425-6. Je. 21, '19. Labor takes thought to itself.

Independent. 98: 483-5. Je. 28, '19. Where do the people come in? When capital and labor fight it out. E. Gluck.

Independent. 100: 37-9. N. 1, '19. Industrial theories and facts.

Independent. 103: 173-4. Ag. 14, '20. Public in industrial warfare.

Independent. 104: 298-300. N. 27, '20. England's sobering strike. John Spargo.

Industrial Management. 59: 433-8. Je. '20. Law and the labor unions. K. M. Spence.

Digitized by Google

Industrial Management. 61:77-84. F. 1, '21. Strikes; how to avoid them; an interview with John Hays Hammond. William L. Stoddard.

Industry. p. 3-5 My. 1, '21. Strike bogey and what it costs a credulous nation.

Iron Trade Review. 67:1071-6. O. 14, '20. Employees uphold the open shop; Cincinnati labor situation. A. J. Hain.

Literary Digest. 63:11-14. N. 8, '19. Irrepressible conflict in industry.

Literary Digest. 63:14-15. N. 29, '19. Labor's right to strike.

Literary Digest. 67:14-15. O. 30, '20. British coal-strike issues.

Literary Digest. 68:24. Ja. 29, '21. Strikes that hurt labor.

Living Age. 302:438-41. Ag. 16, '19. Cause of strikes.

Living Age. 303:500-3. N. 22, '19. Ethical aspect of strikes. F. J. C. Hearnshaw.

Living Age. 306:68-70. Jl. 10, '20. Abuse of the right to strike. P. Bourget.

London Quarterly Review. 132:245-9. O. '19. Strikes: their ethical aspect. F. J. C. Hearnshaw.

Monthly Labor Review. Contains regularly a section on strikes and lockouts.

Monthly Labor Review. 11:593-600. S. '20. Cost of strikes. E. L. Whitney.

Nation. 108:935-7. Je. 14, '19. Great Winnipeg strike. J. A. Stevenson.

Nation. 110:389. Mr. 27, '20. Right to strike.

Nation. 110:538-9. Ap. 24, '20. Truth about the strike.

Nation's Business. 8:16-17. Mr. '20. Speaking of anti-strike laws. R. Yarnell.

Nation's Business. 8:20-1. S. '20. Getting the jump on strikes; Kansas court of industrial relations. C. M. Reed.

New Republic. 19:310-12. Jl. 9, '19. Winnipeg's revolution. A. E. Darby.

New Republic. 21:224-7. Ja. 21, '20. Can the strike be abandoned? Walter Lippmann.

North American Review. 210:579-82. N. '19. Strike aims and leaders.

Open Shop Review. 16:381-98. O. '19. Strike facts and principles. John W. O'Leary.

Digitized by Google

Open Shop Review. 17: 456-9, 482-5. N.-D. '20; 18:37-40. Ja. '21. High cost of strikes. Marshall Olds.
Oregon Voter. 19: 301-2+ N. 22, '19. Right to strike.
Outlook. 122: 282-3. Je. 18, '19. Bolshevism testing Canadian common sense. F. Maitland.
Outlook. 122: 597-9. Ag. 20, '19. Strikes.
Outlook. 123: 223-6. O. 29, '19. American industry in a state of war.
Outlook. 123: 291-2. N. 12, '19. Right of the people to defend themselves.
Outlook. 123: 575. D. 31, '19. Lessons from the British railway strike. W. M. Tippy.
Outlook. 127:300-2. F. 23, '21. Industrial government in Rochester. Paul Blanshard.
Public. 22: 654-6. Je. 21, '19. Revolution or strike in Winnipeg. C. L. Johnson.
Public. 22: 1006-7. S. 20, '19. Can public servants strike?
Railway Age. 67: 691-2. O. 3, '19. Organized labor opposes anti-strike legislation.
Railway Age. 68: 1180-1. Ap. 16, '20. Strikes that must be fought to a finish.
Railway Age. 68: 1265-7. Ap. 23, '20. Long continued disturbance of strikes.
Saturday Evening Post. 193: 3-4. D. 18, '20. Balance wheel. George Pattullo.
Spectator. 123: 460-1. O. 11, '19. Right to strike.
Survey. 45: 362-3. D. 4, '20. Texas anti-strike law.
Survey. 45: 700-2. F. 12, '21. Texas open port law; with reply. W. G. Merritt.
Unpartizan Review 13: 1-16. Ja. '20. As to striking. Henry Holt.
Unpartizan Review. 15: 1-19. Ja. '21. Social control of industrial strife. W. G. Merritt.
Weekly Review. 1: 370-2. S. 16, '19. Strikes: bibliography. Edmund Lester Pearson.
Weekly Review. 2: 170-1. F. 21, '20. Limitation of the right to strike.
Weekly Review. 2: 673-4. Je. 30, '20. Right to strike. William Haynes.
Weekly Review. 3:523-4. D. 1, '20. Protection of public rights.

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CHAPTER V

PARLIAMENTARY FORM OF GOVERNMENT

UNIVERSITY OF CHICAGO

RESOLVED: *That a parliamentary form of government should be adopted in the United States.*

These speeches were delivered by the teams representing the University of Chicago in the annual intercollegiate debates of the Central Debating League, consisting of the Universities of Chicago, Michigan and Northwestern. The debates were held January 21, 1920, the Affirmative team debating against Michigan at Chicago, and the Negative team meeting the team from Northwestern University at Evanston, Illinois. For the first time in the history of the League, the contests were held without judges to render a decision. This report has been compiled from manuscript furnished by the debaters thru the courtesy of Mr. Willard E. Atkins, Coach of Debate for Chicago. The bibliography was prepared by Miss Cora M. Gettys, Reference Librarian, Harper Library, University of Chicago.

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BRIEF

PARLIAMENTARY FORM OF GOVERNMENT

AFFIRMATIVE

INTRODUCTION:

A. It is common knowledge that the machinery of United States government is breaking down.

1. More or less constant warfare exists between the executive and legislative bodies, i.e., the President and the Cabinet.
2. The confidence of the public is at a low ebb.
3. Our present system is no longer equal to the necessities of a nation of one hundred five million people.

B. Various plans have been proposed for improving the situation.

1. One of these plans is the adoption of the parliamentary system of government.

C. By this system is meant.

1. The fusion of the legislative and executive branches of government.
   a. The term of office of the executive would depend on continued support of the legislature, and the term of office of the legislature would depend upon the continued support of the people.
   b. Such a change could be made under our existing form of government, vesting the real executive power in the cabinet, with a majority leader, appointed by the President from and with the consent of the majority party of Congress, who has power to dissolve Congress and call for an election in case of a deadlock.

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I. Conditions today are vastly different from what they were when our present system of government was established.

A. There existed no mechanical means for the formation of a national will—none of our present means of quick communication.

1. Government was made rigid so that changes could not take place before people had time to learn of them.

B. This form of government was adequate for the needs of the day.

1. There were few things about which it was necessary to get an expression of public opinion.

a. People were socially and economically independent of each other.

C. People are no longer self-sufficient.

1. They are affected by local, state, national and world conditions.

D. It is necessary that our form of government be modified to meet these changed conditions.

II. The parliamentary system is more adequate to meet our present political and economic conditions than our presidential system.

A. It avoids deadlocks.

1. The executive and legislative branches of government are in the hands of the same party.

a. Both are able to do constructive work—the work of one will not be nullified by the other as is so often the case at present.

b. If opposition develops between them the Executive can dismiss Congress immediately and submit the contentions of both parties to a vote of the people.

III. Parliamentary government can be adopted without in any way invalidating the Supreme Court, or state sovereignty.

A. If it did there could be no valid objection, because all changes would come in accordance with the will of the people.

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IV. Our representative system is no longer adapted to political and economic conditions.

A. It is based upon the individual license of the legislator, and places no premium on the working out of a broad national policy.

1. It has developed from a simple legislative system to the irresponsible invisible committee system.
2. The individual legislator has become a lobbyist and trader of votes.

B. No particular party or individual can be held responsible for the conduct of the government.

1. There is no mechanism to force the leader to agree on legislation to be presented and to enable the people to hold a definite group responsible.

V. The parliamentary system is the most effective agency for the formulation as well as the expression of an intelligent public will.

A. It is efficient psychologically.

1. It creates a continuous conflict situation which holds the public interest and attention.

B. The government initiation of measures centers public interest in the parliamentary arena.

1. In the face of this interest only issues of national importance are important enough to merit consideration.

C. It presents definite propositions about which public opinion can crystallize.

Negative

Introduction:

A. The presidential system of government has served the needs of the United States for one hundred thirty years.

1. Under this system the United States has developed from a small undeveloped nation to a nation of more than one hundred five million people, and of widely-spread activities.

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B. In Great Britain parliamentarianism has been considered decadent for more than a generation.

I. The parliamentary form of government is undesirable.

A. Certain institutions exist that are essential to the United States Government.

1. Federalism.

a. The existence of diverse economic, geographic and social units in the United States makes necessary the existence of sovereign political units such as the states.

b. To permit any other system would introduce jealousies, and lack of knowledge and understanding of local problems.

2. Supreme court.

a. The Supreme Court is necessary to assert and protect the rights of the states.

3. Bi-cameralism.

a. The Senate and the House must be kept equal, or the purpose for which one exists will be frustrated by the other.

B. Parliamentary government would destroy these institutions.

1. The foundation of the parliamentary system is a ministry responsible to the house that created it.

a. Under our Federal system the ministry would have to be responsible to both houses.

b. This would be impossible when the two houses were opposed politically as they often are.

(1) Either one house will interfere with the administration of government or it will eventually be overpowered and become of no effect.

2. Either the Supreme Court would, in declaring an act unconstitutional, be opposing a mandate of the people, or it would hesitate, decline in importance and be gradually wiped out.

3. The sovereign powers of the states would be destroyed without the bi-cameral legislature and the Supreme Court to uphold them.

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II. The concentration of power in the hands of a cabinet is destructive of truly representative government.

A. In England where the parliamentary system has reached its highest stage the House of Commons has become necessarily subservient to the Cabinet.

1. The members of Cabinet are often also the chiefs of the political parties.
2. Members of Parliament are forced to vote according to the direction of their leaders to keep in office.

B. The parliamentary system permits the cabinet to block the will of the people by means of "holdover" and "snap" elections.

1. Under the actual working of the system a Prime Minister may continue to govern for a number of years.

C. On the other hand, in the United States the fact that a party is not compelled to maintain a majority to stay in office removes the necessity for putting any check upon the independence of the individual representative.

1. The presidential system is no more subject to useless delays than any other form of government.

III. The adoption of the parliamentary form of government for the United States is unwise.

A. The present American government is a result of the evolution and experience of the governed.

1. National habits of mind and customs have developed gradually and are so ingrained in the national life that they cannot be disturbed with impunity.
2. The American system of government has come into existence and functioned because it fits the peculiar needs of the people.

B. It is adaptable only to a homogeneous nation.

1. It is dependent for success upon homogeneity, community of interests and lack of race feeling.
   a. These characteristics are lacking in the United States.

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PARLIAMENTARY FORM OF GOVERNMENT

UNIVERSITY OF CHICAGO

Affirmative Speeches in Debate Against the University of Michigan

FIRST AFFIRMATIVE

John Ladner, Chicago

Ladies and Gentlemen: Twenty months ago our President brought home a peace treaty for acceptance or rejection. To-day that same document lies at Washington neither definitely accepted or rejected. It is not necessary to call your attention to the fact that there has been a quarrel at Washington for the past two years between the President and Congress; a quarrel in which the peace treaty is but an incident. Decision and action have been impossible with our government.

The sad part of the situation is not that a host of problems have and are being criminally neglected while our President and Congress have been on their domestic war-path, but rather that we have no assurance that our problems will receive any more attention from the next administration which likewise may have its little quarrel. Yet when was there a time when immediate action was more necessary! No wonder such a conservative organ as the New York World has gone so far as to say; "Every intelligent American citizen knows that the machinery of government is breaking down. He knows that public confidence in government is at its lowest ebb; that our present system is no longer adequate to the political necessities of a nation of a hundred five millions of people!"

The question, then, is: Can this defect be removed from our government; and if so, by what means? The Senate Judiciary Committee is recommending an amendment to our Constitution providing that newly elected Congressmen, Senators and the

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President shall all take their respective places the January following their election instead of March. Mr. Bryan and other writers have suggested that the newly elected President shall take office immediately after his election in November. But still others, such as the Editor of the Nation and the New York World, say: "Why should we have delayed definite action even until our periodic election; why should we have stagnation for twenty months or perhaps four years;" and they suggest the adoption of the parliamentary system into our Constitution.

This brings us to the question of the evening: Shall we continue to have our legislature and executive separate, with a fixed term of office—or shall we fuse our legislature and executive and have the term of office of the executive depend on the continued support of the legislature and the term of office of the legislature on the continued support of the people; that is: In case of conflict between the Executive and Congress, the Executive can dismiss Congress and call an election on the issues. If a Congress is returned to support him all is well and good, he can follow out his program; but if a Congress is returned that does not support him he resigns immediately, a new Cabinet is formed from the majority party in Congress, and the leader of it becomes the Executive of the Nation.

Such a change could be made under our present, existing, form of government by merely making an amendment to our Constitution, providing that wherever the word President or Executive appears in the Constitution it shall mean the nominal Executive; that the real executive power shall hereafter be vested in the Cabinet, composed of the various department heads, selected by the majority leader; the majority leader shall act as Premier, being appointed by the President from and with the consent of the majority party of Congress, and having power to dissolve Congress and call an election in case of a deadlock.

Before considering this question, however, it is well to ask ourselves what is the function of government in order that we may have some standard by which we can measure these respective governments. We believe the function of government is to *formulate* and *express* the *will* of the people.

The issue, then, of our question is: which of two systems of governments, the presidential or the parliamentary, will more effectively *formulate* and *express* the *will* of the people.

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Ladies and Gentlemen, standing, as we are, at the cross roads of our national destiny—faced with these great and pressing problems of the hour—we may well ask ourselves, how do we happen to have this anomalous scheme of government wherein the Executive is divorced from the legislature—each in its own air-tight compartment.

The answer to this question can only be found in turning our eyes back to the Constitutional Convention of 1787. We see assembled at that convention the representatives of thirteen independent and sovereign states, looking out upon a country with no mechanical means for the formation of national will; no steamboats, railroad, telephone, telegraph or wireless; with but rough Indian trails for roads; monthly almanacs for newspapers and 85 per cent of the people unable to read the news even after it finally reached them. Naturally, the framers of our Constitution, framed a government to fit the conditions of that time, distrustful, as they well had reason to be, that if they should fuse the legislature and executive branches of our government it might perpetrate some scheme before the people would learn of it and form a national will against it. So they adopted this device of absolute air-tight separation of the legislature and executive, consciously aiming to have the maximum of friction within the government and making stagnation a virtue instead of a vice.

Anomalous, indeed, as this split government seems to us today, it was quite adequate, and at least harmless in that day. For not only were there no means for the formation of a national public will, but there were few things about which it was necessary to form a national public will. Because of these inadequate means of communication and transportation the political as well as economic affairs were local. The average citizen concerned himself very little about the government at Washington because it did not touch his economic life. Those were the days of self-sufficiency when the large per cent of the population was its own producer, manufacturer, and consumer. Those were the days when the cobbler shop was the shoe factory; the spinning wheel the woolen mill; the cabinet maker's bench the furniture factory; the blacksmith shop the implement factory and steel mill; and the ox-cart the automobile. The apprentice and the craftsman, employer and employee, worked side by side and lived

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under the same roof. Those were the splendid days of state and national isolation. Those were the days when the maxim,—that government governs best which governs least,—was at its height.

But times have changed. We are living in an age of science and industrialism, surrounded by inventions sprung like magic from a thousand brains; the spinning wheel, the cabinet bench, the cobbler and blacksmith shop have multiplied themselves a thousand-fold into great mills and factories. The apprentice and craftsman has become a mill worker; the master a capitalist and their common roof is broken and widely separated. Workers have flocked to industrial centers, and marketing has changed from village to state, national, and world markets.

As individual citizens, or as a people, we are no longer locally self-sufficient. We are dependent on state, national, and world conditions. Whether we like it or not the price of our wheat is determined by world facts, world conditions; the success of our industry by national and international forces. A depleted Germany is a factor for depression in the United States. A blockaded Russia means higher prices for the linen which adorns your dining room table. War in Europe is our concern; we cannot avoid its immediate effects nor escape its final consequences.

Due to these changed conditions, the people of the United States demand a machinery of government that will more adequately express the public will on these complex, iner-acting, inter-dependent problems of today. Stagnation is no longer a virtue! Action swift and sure, is imperative! We must have a machinery of government that will respond to the public will in times of deadlock; that will respond to the public will continually; that will centralize responsibility; that will formulate a public will by riveting attention on specific national issues.

To accomplish these ends, we urge the adoption of the parliamentary system of government. We believe that it makes for a more adequate expression of public will, because it decides deadlocks. Under our present system of government the executive and legislative branches are often in the hands of opposite political parties. For example, during the twenty year period from 1876 to 1896, there were only two years during which Congress and the President were of the same political party. What does this mean? It means that we often have a condition of affairs

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like we have at present in Washington, that Congress will blame the President, and the President will blame Congress. The Republican Party says in its platform: "We have enacted a program of constructive legislation which in great part, however, has been nullified by the vindictive vetoes of the President." On the other hand President Wilson says in a recent telegram to the railroad workers: "It must be evident to all that the dominating motive which has actuated this Congress is political expediency rather than lofty purpose to serve the public welfare." These badgering tactics are best exposed by recalling the numerous attempts of Congress to embarrass the President by passing *prima facie* good legislation with obnoxious practical details attached. A veto is inevitable and it is capitalized in terms of, "The President blocked our constructive program." But not only does the Presidential system mean that neither Congress nor the President will try to do anything constructive but it often means that neither can do anything constructive. If Congress tries to do anything constructive which may be a credit to it its political opponent, the President, may oppose and a deadlock results. If the President tries to do anything constructive his political opponent, Congress, may oppose him and another deadlock results. The best example of this is our pitiful condition in Washington at this very time.

Under the parliamentary system of government the executive and legislative branches are always in the hands of the same party. This means whatever constructive acts one branch does will be a credit to both. The result is, not only will both the Executive and Congress try to do constructive things but they can do constructive things, because if a serious opposition between the Executive and Congress develops the Executive can dismiss Congress immediately and submit the contentions of the parties to the supreme will of the people.

In conclusion, our case thus far is this:

1. Our 1787 governmental machinery is no longer adequate to meet our 1921 economic and political conditions because deadlocks are too frequent.

2. The parliamentary system is more adequate to meet our present economic and political conditions because it decides deadlocks by an immediate election.

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SECOND AFFIRMATIVE

Alix Hillman, Chicago

The first speaker of the Affirmative in presenting his case laid down a definite standard by means of which to measure and compare parliamentary government with the presidential form. The gentlemen of the Negative have very timidly objected to this standard and have asked what is meant by the will of the people. If this question could be definitely answered then all of the problems of organized society could be easily solved and we would be concerned only with the carrying out of the will of the people. By the will of the people we mean the policies which they express themselves in favor of at the ballot box as well as the decisions of their chosen representatives in Congress. But we cease our quarrel with the gentlemen of the Opposition, if they have any other standard by means of which we may judge the relative merits of these two forms of government. We will be glad to consider any such proposal.

The Affirmative in its constructive case has argued that the Parliamentary form more adequately expresses the will of the people in the first place because it eliminates deadlocks between the President representing the executive authority of the state and Congress representing the legislative authority. This is true because under the proposed scheme of government an election is held in the event of a deadlock and the people are given a chance to assert themselves and choose their government. What have the gentlemen had to say in reply to this fundamental virtue of parliamentary government? We are told that sometimes it is a good thing if there is a blocking in the wheels of the machinery of government and plenty of time elapses before a decision is reached. There may be something in this but we do not believe that the American people are satisfied with a form of government which permits the stagnation that we are now passing thru as a result of President Wilson's quarrel with Congress. And this is not an unusual situation. Congress is of a different political complexity from the President at least half of the time which means that there is conflict at least half of the time. Parliamentary government eliminates this unnecessary period of inactivity and makes the government a going concern. There need

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be no fear that the organized agencies of government will be controlled by a flurry of popular opinion. The whole tendency of public opinion is to assert itself slowly and gradually. Thus the entire cyclical process is the result of a long period of inactivity before popular opinion organizes itself. Before anything is actually done there must be opposition to the existing policy; but opposition in itself is not sufficient. It must be followed by a definite counter proposal if anything is to be accomplished. After the counter proposal has been carefully considered there must be an organized group willing to spread propaganda in its favor in order that the new policy may be adopted. It is fairly obvious that all this requires time; in fact the whole process of history goes to prove that too much time elapses before new proposals are enacted. We assure the gentlemen of the Negative that no form of government can speed this process up to the point where it will be undesirable. Let us remember then that parliamentary government, more adequately expresses the will of the people in the first place because it decides deadlocks.

It has been pointed out that it is impossible to adopt parliamentary government in this country because this form of government would destroy some of our fundamental institutions, namely, sovereignty, and the power of the Supreme Court. In debating this question we of the Affirmative make two fundamental assumptions. In the first place, we assume that the American people are an intelligent people and that once convinced of the merits of this scheme of government they will be willing to accept it in spite of the fact that it may modify some of their existing institutions. In the second place, we assume that the will of the people is the final standard and that if their will is expressed we are not to be concerned with slight changes that may occur as a result.

The first speaker pointed out that parliamentary government can be adopted without in any way invalidating the power of the Supreme Court or state sovereignty. If the tendency of future history is to limit the power of either of these two institutions we can see no reason why our opponents should object. No one can argue that sovereignty exists to the extent that it held sway before the Civil War. The great and fundamental changes come about because of the dictates of the American people. And if after parliamentary government has been adopted another

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change takes place in these institutions it will be the result of a process that we can neither forcast now or be responsible for. We are debating a question on its merits and these extraneous propositions as to what may happen to some of our present institutions cannot be considered as evidence.

Now it is obvious the method of expressing the will of the people which democratic nations have evolved is the representative system. Let us analyze for a moment the particular representative system which has developed in the United States under presidential government. Our representative system is based upon the individual license of the legislator. Each representative is sent to Congress to get legislation passed for his own district. Absolutely no premium is placed upon the working out of a broad national policy. The assumption is that as a result of conflict of local interest there will arise a sum total that is in some way expressive of the general will.

There may have been some basis for this assumption when our Constitution was first adopted. Then we were thirteen disjointed colonies, each jealously guarding its own interest. Now we are a nation that stretches from coast to coast with national needs that must be met by a truly national representative body. Our population has changed from about three million in 1789 to over one hundred ten million at the present time. Our House of Representatives has changed from sixty-five to four-hundred thirty-five, our Senate from thirty-six to ninety-six. With this change in population has come a great change in economic and political interests. In such a large body free discussion is absolutely impossible. This legislative simplicity has gone the way of our national economic simplicity. In its place we have developed the irresponsible invisible committee system. The function of the legislator has changed to the skillful committee lobbyist and shrewd trader of votes. Each representative recognizes that his political existence depends upon his ability to satisfy the particular hobby of his constituency. A post office or some other local beneficence is of more importance as a vote catcher than the most carefully thought out solution to some national problem. Thus the representative of the wheat farmer of Illinois votes for a low income tax in return for the support of the representative of the great corporations of New York who helps him get some petty appropriation for the farm-

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ers' district. This trading of votes on matters of national importance in return for petty favors has resulted in legislation that is in no way responsive to the public will. Nor is it possible for the individual voter to centralize responsibility for this misrepresentation. The party cannot be held responsible for it never has complete control and the individual representative cannot be held accountable because he has probably managed to endear himself to his constituency by means of little favors. When the representative runs for office again he will be reelected because it is impossible to connect him definitely with a party that has taken a particular stand on the important matter of the income tax, a stand which the people oppose.

Under presidential government no particular party or individual can be held responsible for the conduct of the government. Within recent years there has been an attempt to centralize responsibility upon the president. But the president is neither the only nor the most influential party leader. Sometimes his party leaders in Congress are in open or in secret opposition to him. They may agree with him as to the general type of legislation to be passed but often seriously disagree as to the actual bill presented to carry out this policy. Presidential government provides no mechanism that will force the leaders to agree on the legislation to be presented and that enable the people to hold a definite group responsible.

THIRD AFFIRMATIVE

Harold D. Lasswell, Chicago

The Negative has finally given its assent to the proposition that the government is best which best formulates and expresses the public will. How can they reconcile this assumption with their defense of deadlocks? They have revived the age-old cry of "hasty and ill considered legislation," of the necessity for "checks and balances on the government" to give time for the formation of an intelligent public opinion. Such a political philosophy as this was thoroly in keeping with the facts during the era of the stagecoach, the corduroy road, the pony express, the sailboat, the monthly almanac, and the quarterly religious magazine. In those early days of the Republic matters could be taken up and passed in Washington months before Kentucky

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heard about them. Of course the sturdy pioneers of the West and the slave owners of the South and the merchants of New England were afraid of their government! Of course they evolved a system of checks and balances and rigid official tenure to protect themselves from a *coup d'etat!* But we challenge the gentlemen of the Negative to cite a single piece of important legislation either in this country or in England which has been passed without ample time for consideration by the public, in this the day of the telephone, telegraph, wireless, railroad, steamship, and metropolitan daily. Public opinion is today the product of days and not of months, as they would have us believe. The bug-bear of "hasty and ill advised legislation" is the thotless survival of the stage and of the one hoss shay; today deadlocks are an anomaly; we believe in checking the government by the people and not by complicating the governmental structure.

Our friends have revived another shibboleth of eighteenth century politics. They have solemnly warned us that the parliamentary system undermines the American theory of representative government because it substitutes a centralized oligarchy for local representation. Now they have cried "wolf" once too often. Centralized leadership is the only tool of truly representative government; it is the only means by which local interests can be welded into a comprehensive and coherent national policy. Our present leaderless system is widely misrepresentative. An absurdly high tariff to help Pennsylvania steel is the result of a vote trade for an equally absurd tariff to protect California lemons. Put these two items in the hands of conspicuously responsible leaders, leaders accountable to the nation for the completed job, and we will find these outrageous items pared down. Local interests will, however, receive ample consideration because of the necessity for retaining the support of enough local groups to keep a majority.

Heretofore we have been concerned with the fact that parliamentary government is a more effective agency for the expression of public will than the current system because it decides deadlocks and centralizes responsible leadership. But in the last analysis the fundamental problem of democracy is not simply the expression of public will; it is the formulation of a public will worth expressing. The government must rivet the continuous attention of the public, and one of the most effective

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devices for attracting interest and attention is the conflict situation. We are all interested in a fight. If you had been told, Ladies and Gentlemen, that half a dozen well meaning young college students were going to discuss the parliamentary system of government in Mandel Hall tonight, you would have sighed and turned to the evening paper. But instead you were told that Michigan and Chicago resume their historic rivalry on the platform . . . and you are here.

Now under our governing system we wax frantic at our four year elections, and then settle into a political repose which is occasionally disturbed by a presidential message or an unusual scandal. The parliamentary system takes advantage of the psychology of conflict. Every time the government proposes a measure the attention of the nation is centered on Parliament because it is not known when the opposition leader will be able to put the government in an unfavorable position and secure a change. This continuous conflict situation keeps the eyes of the public on the government.

It is not sufficient that attention be riveted on government affairs; these affairs must be of national importance. Too often our Washington news is taken up with petty personalities and local skirmishes between Uncle Joe Cannon and some other celebrity. The centers of interest are scattered among innumerable and invisible committee rooms. Under the parliamentary system the government initiation of measures makes the interest center in the parliamentary arena; and in the face of a national gallery of spectators only issues of national importance are of enough weight to merit consideration.

Even this does not suffice in the formation of an intelligent public opinion. Attention must be riveted on the government and on national issues; it must also be centered on national issues in a specific Affirmative and Negative form. If I should ask you, "Are you in favor of an income tax?" some radicals on the left side of the room would shout a loud "Yes"; some radicals on the right would shout a lusty "No." But the thinking mass of you would ask "What do you mean? Do you want an income tax on incomes of 1,000 or $100,000? Do you want a 10 per cent or a 50 per cent rate?" If I should restate the question, "How many of you are in favor of an income tax of 10 per cent on all incomes above $3,000?" the room would be

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divided in two groups, a Yes and a No group. Under our presidential system the president occupies the largest share of attention, but in his occasional messages he favors general propositions and principles, such as the income tax. Under the Parliamentary system the government proposes not only an income tax, but a definite income tax about which public opinion can crystallize pro and con.

The outcome of this comparison is the unavoidable conclusion that the parliamentary system is the most effective agency for the formulation as well as the expression of an intelligent public will.

And our insistence upon this proposition is not motivated by a mere academic interest in disputation. It is increasingly apparent to those who watch the progress of America that we are facing situations of increasing complexity as social cleavages and attitudes become more diverse. Social changes must be continuously made in industrial relations, tariff provisions, international policies. The salvation of orderly progress is an authoritative institution which lends itself to the fostering of an informed public opinion which can progressively modify social relations. It has not been an accident that parliamentary England has won order without sacrificing progress; or that parliamentary France has been able to enforce order in spite of social cleavages of the bitterest kind. The United States faces the problems of the twentieth century with the political machinery of the eighteenth. We insist upon the importance of a political machinery which particularly encourages the education of public opinion and the expression of public opinion thru responsible leadership.

FIRST AFFIRMATIVE REBUTTAL

John Ladner, Chicago

Our friends from Michigan have repeated again and again that "everywhere, wherever parliamentary government has been adopted these things have gone." What things? The fundamental institutions of our government, federalism, our president, the Senate, the written constitution, the power of the Supreme Court to pass on the validity of legislation?

If the gentlemen insist that it will destroy these institutions

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why do they not specifically point out in what manner it will destroy them. That it will reduce the power of the President we do not deny, but then it is to give such power to the Premier, a direct representative of the people, directly responsible to pay the penalty of the polls if he does not carry out the will of the people. We wonder how it is that the gentlemen have looked "everywhere" and yet did not see Canada and Australia having a parliamentary system operating under a written constitution, a senate, a federal system, and a Supreme Court to pass on validity of legislation.

Dicey has well said: "Though the parliamentary government has grown up and been developed under the English monarchy, it might well exist under a constitution which did not recognize an hereditary king."

Of course we are not surprised at the gentlemen's cries that "it will destroy these institutions," for we have seen greater men than they make similar cries to similar proposals. For example, the Honorable Sir John Cockburn of Australia, at their constitutional convention in 1897 to establish such a system, said, "It is a proposal for the final extinction of the Senate, of state rights, and of liberty!" Are these not almost the exact words we have heard tonight? Yet what has actually happened in Australia as a result of the adoption of the parliamentary system? Let me read to you an extract of a report from Temperly's book on Senates and Upper Chambers. "In Australia the elective Senate is found to work well enough to prevent any dangerous deadlocks and conflicts with the popular chamber, such as often occur between two legislative bodies elected on an equally democratic franchise." On another page he says, "As it is, in Australia, both Houses are continually compelled to produce proofs of their dependence upon the people, and this fact prevents the danger of any conflict of authority between them." But they tell us further that Goodnow says: "Parliamentary government is inconsistent with two Houses." Which shall we believe; what Goodnow *thinks,* or what Australia has *demonstrated?*

That Australia operates under a written constitution and a Supreme Court to pass on the validity of legislation, I refer the gentlemen to Macy on Comparative Governments, page 547; and if the gentlemen wish to pursue the subject still further, they might read a few cases in Hall's "Cases on Constitutional Law."

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Thus our case still stands: That the parliamentary government makes for a more adequate expression of public will because it decides deadlocks; that it makes for a more adequate expression of public will because it centralizes authority; that it makes for a more adequate expression of public will because it rivets attention on specific national issues

SECOND AFFIRMATIVE REBUTTAL

Alix Hillman, Chicago

Thus far the Negative has objected to the parliamentary form of government for two fundamental reasons. In the first place presidential government because it lends itself to trading of petty favors in return for votes on matters of national importance results in legislation that is in no way expressive of the public will.

In the second place it contains no mechanism that forces the development of broad national policies by responsible political leaders.

Parliamentary government remedies the first of these defects by centralizing responsibility upon the party in power for modifying the demands of the various local interests in a fashion that will be satisfactory to the great mass of people. Thus under the proposed scheme it would be impossible for the representative of the citrus interests of California to get an excessive duty on citrus simply by trading his vote with the steel magnate of New York who wanted an unreasonable duty on steel. The prime minister would organize these excessive demands so that when finally enacted in legislation they would represent the will of the majority of the people and reflect credit upon the party. The individual representative would have to be satisfied because his own political future would be definitely dependent upon the future of his party.

Parliamentary government remedies the second of the great defects of presidential government by giving the majority party in the house full control over both the legislative and executive branches of the government and then holding it responsible for this trust. The prime minister under parliamentary government is the business manager of a going concern. His personal success and the success of his supporters depends upon the formulation

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of policies that will be satisfactory to the great mass of people. Responsibility is definitely centralized. If the electorate is dissatisfied with the conduct of the government it has the privilege of removing the controlling party from power at the next election.

Ladies and Gentlemen, the Affirmative recognizes that in arguing for parliamentary government it is proposing a fundamental change. We have attempted in this discussion to set up a standard by means of which to measure the two forms of government considered. That standard is the degree of efficiency reached in the process of expressing and formulating the intelligent will of the people. You will undoubtedly agree with us that in a democratic nation the standard we have formulated is a fair one. Parliamentary government more adequately measures up to this standard for three reasons. In the first place it eliminates deadlocks. In the second place parliamentary government by centralizing responsibility on the party in power eliminates vote trading and forces the development of broad national policies. In the third place this plan of government which we urge the United States to adopt forces the development of centralized responsible leadership.

THIRD AFFIRMATIVE REBUTTAL

Harold D. Lasswell, Chicago

The gentlemen of Michigan have done an astonishing thing. They have argued all evening for righteous deadlocks, for judicious checks and balances in the government structure, for "hands off" the machinery of government in this time of crisis, for recognizing the firm entrenchment of the prevailing system in the minds and hearts of the American people. And now they come before us with a proposal which is simply a new method, a transition step toward complete parliamentary government. If they choose this device for ushering the new day, we have no quarrel to pick with them, if they recognize its inherently transitional nature.

They would abolish the Executive veto. They would deprive the present constitutional arrangements of the amount of centralized leadership which exists at the present time. They would invite further chaos. And out of this chaos (which would be

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quite unbearable, as we can very easily recognize), there would of necessity develop an extra-legal leadership within the legislative body. A new rules committee with increased power, a reglorified speakership; these might be the instruments of headship. And this development of a continuously responsible legislative leadership is one of the essentials of the parliamentary system! They have conceded its wisdom.

We invite them to take the remaining step and make this legislative leadership not only subject to the legislature, but to the people by giving it the right of appeal to the electorate. Otherwise we will be menaced with weak control and rapidly fluctuating guidance; otherwise we will continue to entrust our governmental changes to the cycles of the solar system (which it is not supposed to serve), rather than to the minds of the people (which it is supposed to serve). And under this hybrid scheme the administration will be estranged from the directors of policy and subject to the dangers of dissension.

Indeed it is difficult to go further. The Negative has conceded the inadvisability of deadlocks; they have conceded the failure of checks and balances and the rest; they have proposed a half hearted and tentative transitional scheme to parliamentary government whose gravest weaknesses arise from the fact that it does not go the rest of the way.

It is apparently true, therefore, that the gentlemen have been drawn to the parliamentary system against their will, yet compelled by the logic of the situation; and we therefore conclude that we are for all practical purposes agreed that parliamentary government is the best agency for the formulation and expression of an intelligent public will.

Negative Speeches in Debate against Northwestern University

FIRST NEGATIVE

Robert Sturman, Chicago

Ladies and Gentlemen: The gentlemen of the Affirmative have pointed out certain objections, some of them serious, to the system of goverment now in our country. We agree that there is room for improvement. Our's is after all but a human insti-

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tution, and every human institution has its defects. The parliamentary government, for example, which the Affirmative is favoring tonight, is open to very nearly the same objections. In England where it has achieved its greatest success, the Irish question is still unsolved after nearly a century of wrangling; the housing problem is more acute than ever despite the fact that it has been a troublesome factor in English politics and economics for some years. Wales continues its clamour for greater autonomy, and Scotland has lifted its head again for a more complete independence in matters of local importance. If we wished to embarass the gentlemen of the Affirmative still further we could point to Italy where the parliamentary government has all but wrecked itself on the rocks of labor troubles, and of suffrage, and last, but by no means least, of the struggle of that intrepid warrior—D'Annunzio.

But our discussion tonight is necessarily limited to the United States. The question is not whether one government in the abstract is better than the other. The question is: Which government is better as a reality for the United States at the present time? Which government will better fit into the peculiar conditions which differentiate the United States from every other country in the world?

The discussion is indeed an important one. The presidential government is one which goes back to the very beginnings of our history, which has served our needs for one hundred thirty years. It has evolved out of the experiences of our people and at the different periods in our history has proved adequate to meet the stress and strain of critical moments. Under this form our country has risen from a small, unimportant, undeveloped nation of three million people with local interests to one of one hundred ten million whose activities radiate into even the backward portions of the globe.

In place of this presidential system of government our friends urge an institution that for more than a generation has been considered decadent. Even in the life of Great Britain parliamentarism is now being measured in terms of a few decades. Why is it true that every new government in the last twenty years has adopted the presidential system? Why was England virtually forced to the American system during the world war? Why has Switzerland shifted from a parliamentary form of govern-

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ment to the presidential form? We shall be very happy to hear our friends explain. Either they must admit in their speech that the parliamentary system is decadent or they must indict our most astute scholars and the most obstinate of facts.

The question that we are face to face with is, therefore: Shall we change radically our system of government which has been built up to meet the conditions present in our country, perhaps abolish it entirely, and accept in its place a system which some of the greatest of our political scientists tell us is decadent?

To answer this question intelligently, it is necessary to consider the conditions as we find them in the United States. First, then, we do not feel that the presidential form of government should be abolished in favor of the parliamentary form because the forces inherent in parliamentary government work toward the abolition of certain essential institutions in this country: such as federalism, bi-cameralism, and the Supreme Court. Stretching across a continent, the United States presents an amazing number of social, political, and economic problems. A glance into any economic geography discloses to what degree we are localized. There is little New England comprising 2.2 per cent of the area of the United States, yet holding 13.6 per cent of the entire capital invested in manufacturing in the whole country; manufacturing over 55 per cent of the cotton goods in the United States; over 60 per cent of the woolen goods. A highly industrialized unit, and subject to the peculiar problems of such a community—labor problems, dense population, highly centralized transportation, tariff, etc. Contrast it with the South whose chief industry is the growing of cotton, and whose chief problem is the negro. One is industrial; the other, agricultural. One has labor problems to solve; the other has cotton diseases to destroy. One is Yankee, educated in Puritan ideals, having the outlook of his own individual, and in some respects, eccentric group; the other is the Southern aristocracy, educated in its own ideals, having its morals, its hopes and its aspirations. The two are incompatible. One would never consent to being ruled by the other. Compare either one with Texas and its border troubles, with California and its Japanese problem—and one sees the necessity of having certain natural units of political administration in this huge country. Laski, in his Problems of Sovereignty, p. 284, says:

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"In education, for example, we have learned that the more pupils per teacher, the less efficient, on the whole, is the instruction . . . I would urge that a similar law of diminishing returns applies also to the sphere of government. It becomes more and more obvious that we must recognize certain natural units of political administration."

We have those units—states. We do not contend that the black lines on the maps we knew when we studied geography form perfect divisions; we realize that what we call state boundaries are, to an extent, arbitrary affairs. But we do contend that the existence of diverse economic, geographic and social units in the United States makes it absolutely necessary that the peculiar and essentially local problems existing and growing in these units be coped with and solved only by those living there. This is made possible only by the existence of sovereign political units, such as our states. To permit any other system, even if it were acceeded to by the public, which is doubtful, would be to introduce jealousies, lack of knowledge and understanding, in the solution of problems of the greatest interest and importance to the localities they exist in.

We may not be at all rational in our attitude toward these problems, but the point is that we do fight, and will continue to fight, as political groups, for our particularly local, selfish, and sometimes short sighted interests. Senator Penrose champions the coal and steel interests of Pennsylvania. Senator Johnson struggles to obtain a restriction of Japanese immigration. We do not say that Senators Penrose and Johnson are right or wrong—undoubtedly many times they are wrong—but we do say that they represent economic, political and social units to whom those interests are of paramount importance, and which insist upon solving them alone, with their own people, aided only by their own ideals, and by their own conception of right and justice.

This system, of sovereign political units, so essential to us, is federalism. Evidently the Affirmative realize the absolute necessity of such a system in this country for they have stated that they intend to keep it. The question is: Can the parliamentary government exist under federalism?

Now what does federalism, as we have it, mean? What does it stand for? Federalism means that each sovereign political

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unit, that is, the state, shall be protected in its sovereignty. For that reason we have established a Senate. For that reason we have established a Supreme Court. The Senate protects and asserts the rights of the states. The Supreme Court sees that the federal compact has been observed, and that no intrenchment has been made on the independence or the sovereignty of the states as established by that compact. It is clear then that in order to maintain the independence and the sovereignty of the states, it is necessary to retain the Supreme Court, and a bi-cameral legislature, consisting of a Senate, which represents the states, and of a House of Representatives, which represents the people within the states. Furthermore, the Senate and House must be kept equal and coordinate; otherwise the very purpose for which one exists will be frustrated by the stronger. Is it possible for the parliamentary government to work efficiently under a Federal system, which necessarily involves the maintenance of an equal and coordinate bi-cameral legislature? We have seen by the explanation of the gentlemen of the Affirmative that the heart of the Parliamentary system is a ministry responsible to the house that created it. Under our Federal system, the ministry, or the cabinet, would be created by both houses, which is one way of stating that it would have to be responsible to both. Now as long as both houses are of one part and are in accord with each other, it is possible for the ministry to accomplish something. But suppose, as often happens in this individual country of ours, the political complexion of the Senate is different from that of the House. The Cabinet now must be responsible to two opposing parties—an impossible job, for every bit of work it does will be unacceptable to one of them. And if the Senate should refuse, finally, to back up the ministry, there would be two courses open for the Senate. Either it could hamper the policy of the administration in every possible way, which would result in the stagnation of the government, or it could submit, which would be its death knell, for, as President Lowell of Harvard University has said. ". . . it would fall in prestige, and gradually lose all voice in the control of the administration."

Again, if the cabinet is vigorous and composed of able men, it will play off each of the houses against the other and be in reality responsible to neither. The policies of the cabinet will

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not be argued in both houses. The debates will take place in the one showing more power, or in the one more favorable to the administration. That house will naturally attract strong and able men, so that "the stronger chamber will grow stronger and the weaker will become weaker, until all authority is centered in the former." Thus we see that parliamentary government can not exist under a bi-cameral legislature, the houses of which are equal and coordinate, because the forces inherent in parliamentary government work toward the destruction of bi-cameralism and thus, in turn, of federalism. If an equal coordinate bi-cameral legislature exists, the parliamentary government cannot work; if the parliamentary government works, an equal and coordinate bi-cameral legislature is destroyed. As Lowell says: "A ministry cannot be responsible to two chambers. In the long run it must depend upon the support of the stronger one alone, and disregard the weaker." For that reason, parliamentarism is impossible in the United States.

The same forces causing the destruction of bi-cameralism, operate on the Supreme Court under the parliamentary government and the Supreme Court in declaring an act unconstitutional, would be flying in the face of a mandate of the people. Naturally, it would hesitate, and gradually decline in importance until it would be powerless to halt the intrenchments on the sovereignty of the states and as the states grew less powerful, the central government would grow more powerful, so that as a natural consequence, federalism would be speedily wiped out.

We have seen that due to its size and complexity, the United States must of necessity resort to political administration by sovereign units, which means federalism. We have seen also that the two pillars of a federal structure, an equal and coordinate bi-cameral legislature, and a Supreme Court, would be destroyed by the inherent forces of parliamentarism. This leads us inexorably to the conclusion that parliamentarism is impossible for the United States. Thus far the Affirmative has attempted only to show its success in England and to demonstrate its superiority in the abstract over our own forces of government. But even if their efforts are crowned with a greater success than seems probable at this moment, they have not done enough. There still remains the task of proving that it is in accord with the needs of the United States and that it will work under a federal system.

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SECOND NEGATIVE

Jerome Hall, Chicago

The Affirmative speakers are to be complimented upon their excellent presentation of the "literary" theory of parliamentary government which they have so conscientiously revived from the remains of Mill and of Bagehot who wrote of the English parliamentary system as it existed in 1866. But much as one would like to accompany the gentlemen to England and to live thru the pleasant days of 1866, the very practical question under discussion this evening cannot be considered from evidence which does not deal with the parliamentary system as it actually operates at the present time.

Nor can the operation of the parliamentary system in England and Australia, have any connection with the discussion save insofar as the conditions in these countries are like those in America. Indeed if the gentlemen were to search long and earnestly they might discover some place, if not England or Australia, then perhaps Borneo, the Solomon Islands or some such progressive land where the parliamentary system is actually operating to perfection. They might go farther and show that the introduction of the presidential system would be the worst possible occurrence. But that would prove only that for this country the parliamentary system is best and the presidential system very bad—but it would prove nothing more. This discussion is not to compare or contrast the merits and faults of the presidential and parliamentary systems. The application of parliamentarism to the United States is quite a unique problem and requires a consideration of the peculiar conditions which differentiate the United States from all other countries. The problem of the form of government cannot be solved by abstractions but must be determined by the nature of a country like ours which stretches over half a great continent, with thousands of intricate local conditions, with a great heterogeneous population of over one hundred millions situated in sections which present varied and complex geographic, social and economic conditions.

The first Negative speaker has approached the question in this manner. He has shown that our presidential government should not be sacrificed because the parliamentary form, which the

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gentlemen wish to substitute tends to destroy the fundamental institutions of America, institutions which we did not arbitrarily "create" in order to bring them before you this evening, but which for over a century have been firmly grounded as the natural result of conditions in this country. He has shown the incompatibility of parliamentarism particularly with our fundamental institution of federalism, with a bi-cameral system and with an independent Supreme Court.

But our opponents far from entering into a consideration of these fundamental problems, have been engaged in their first two speeches in an attempt to show that under parliamentarism, the Cabinet is responsible to the Legislature. We intend, with your permission, to hold them to this statement. What are the facts about the system as it actually operates today? It is interesting to contrast the statement of the Affirmative with that of A. Lawrence Lowell who states in his "Government of England," page 326, "The majority must accept the conclusions of the Cabinet and in carrying them out, becomes well nigh automatic. A member of parliament must support the party to which he belongs on pain of being turned out of office and branded as a renegade."

The fact is that the concentration of power in the hands of the Cabinet would destroy our truly representative system. Even in England where this form of government has reached its best development, the House of Commons is a mere electoral college composed of members who are necessarily subserviant to the Cabinet. This is inherent in the very mechanism of the parliamentary system because the outstanding personalities are not only party chiefs but also members of the Cabinet, and before everything else the primary purpose of a Cabinet must be to stay in office as long as possible. As party chiefs, these men give or withdraw the support of the party machine depending upon the subservience or fight which the member shows; while as Cabinet members they have the power to dissolve parliament at any time and send the men back to meet the expenses and dangers of reelection.

The parliamentary system has thus given rise to the most pernicious practice in modern government as shown by the creation of professional "whips" whose function is to corral the representatives and secure, as just indicated, their automatic vote. Indeed they have the scheme worked out so elaborately that they

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use a complete set of signals to convey quite ominous meanings to the members. A summons underscored once, twice or three times indicates the increasing degree of the "advisability" that the member be present to register his vote; and should the representative be so unfortunate as to receive a note underscored four times . . . this rather questionable *billet doux* from the party whip means that the Honorable Member of Parliament will act in the manner indicated for him or else be marked a traitor and thrown out of the party. The destruction of the independence and individuality of the private member, which are essential to the vitality of any true representative system, follows naturally and inevitably from the concentration of complete governmental power in the hands of a Cabinet. Thus it appears that the forces of parliamentarism tend to eliminate a truly representative system, which up to the present time every one agrees—unless of course, the gentlemen of the Affirmative wish to plead for the reverting to one man rule—the representative system is the only means at the disposal of democratic peoples for having their needs supplied by government.

That the parliamentary system is elastic and responsive has been emphasized. This does apply, but only with regard to the Cabinet which is able to do anything at any time. In fact, the evils resulting from the dangerous concentration of power do not stop even with the destruction of true representation. The parliamentary system permits the Cabinet to positively block the will of the people by the scheme commonly resorted to of holdover and snap elections. Again it is interesting to contrast the theoretical "responsiveness" of parliamentarism as advocated tonight with that of Sidney Lowe, perhaps the greatest authority on the actual contemporary working of the system, who states in his "Government of England," page 113, "A Prime Minister may continue to govern for a period that may even extend over years in defiance of popular opinion which has only indirect methods of making its influence felt until the Cabinet is willing to allow a new parliament to be elected." And the Cabinet is willing to do this only when it can take advantage of some passing issue to confuse the electorate, to prevent a real expression of the people's needs, and thus ride into power again.

On the other hand, we hold no brief for Americans or American parties, but we do submit for your consideration whether

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the presidential system as it operates here does not call a far better set of forces into action. In the United States the very fact that a party is not compelled to maintain a majority in order to stay in office removes the necessity of putting any check upon the independence of the individual representative. For this fundamental reason an American Congressman enjoys the right of effective debate; he is free to exercise his own judgment. The illuminating proof of this which should relieve our opponents of further worry about dreadful deadlocks is seen from the divisions which occurred in Congress during the war when Republicans who were not compelled by whips to stick by their own party regardless of what they themselves honestly believed—Republicans came to the support of President Wilson, while many Democrats left him. And again, with regard to the League of Nations, we find men like Johnson and Reed, of different parties, in cooperation, and so on.

In fact, when we seek impartially, we discover that the presidential system is no more subject to useless delays than any other government. The Affirmative are simply impatient with delays produced by human nature which is permitted free expression in our truly representative system. Do the gentlemen know of any large assembly which convenes to make an intelligent decision, and, having the right of effective discussion, does not show great difference of opinion, and hence run into disagreement? We Americans are not supermen; our men, as well as our women, if they are free, must talk, and think and delay before deciding what legislation best meets the people's need. Besides, there are political scientists who suggest that there are positive benefits derived from these delays. They give the country time to assimilate what has already been put upon the statute books. And of course, some people would go even farther. They wish that the government might have run into a deadlock about the time the Prohibition Amendment was being put through.

Lastly, under our system there is the advantage of having an executive chosen by national electorate, representing and responsible to the entire country, free from the necessity of scheming ways of prolonging a stay in office and able, therefore, to keep in close touch with the problems which are so intricate in the United States.

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THIRD NEGATIVE

Royal E. Montgomery, Chicago

There are certain very pertinent issues that must be considered before this debate grows older. We have heard from the Affirmative this evening a very naive plan for a hypothetic form of government, existing under certain hypothetical conditions, or possibly under the even more delirious supposition that conditions in these United States are analogous to those of Great Britain; a form which, we are told, will bring responsibility, elasticity and efficiency in government—three euphonious platitutes that may mean anything or nothing.

We would call the attention of our Northwestern friends to the fact that the question under consideration this evening is that of adopting the parliamentary form of government in the United States. The entire essence of our discussion must therefore be, not a philosophical dissertation upon the academic merits of the Parliamentary system in the abstract, but a concrete consideration of the application of this form of government to the United States. Our opponents, on the other hand, have taken it upon themselves to prove that there are certain merits in the parliamentary form per se. Now if our question this evening were the relative merits of the parliamentary system per se versus the merits of the presidential system per se, then a portion, at least, of what our friends have devoted their thirty-six minutes to telling you, might be relevant to our proposition. But upon the question we are met to discuss—the application of the parliamentary system to this particular nation, heterogeneous as it is, unparalleled by any nation on the face of the globe—they have been silent.

If the Negative were to admit everything that our opponents have said, if we were to grant that in the realms of academic abstraction the parliamentary system is sometimes regarded as being responsible, efficient, and elastic—whatever those verbal brickbats may mean—in brief, if we were to concede the entire case of the Affirmative, still they have said absolutely nothing relevant to the adoption of this form of government in the United States. They have not shown how a form of government that is applicable to a certain type of nation only, a nation that

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is homogeneous, that has little race feeling, and has a community of interests, can be applied in these heterogeneous United States, with their irresistible currents of racial passion and wide diversity of interests. They have not pointed out what would become of our particular institutions, the institution of bicameralism, the president, the Supreme Court. Our case has demonstrated that either the parliamentary form of government will destroy these institutions or these institutions will destroy the parliamentary form. In the first case, institutions would be destroyed; in the other case, we would have only a quasi-parliamentary system.

Before the gentlemen continue their case we suggest that they abandon their discussion of the academic merits of a system of government that can only exist under certain hypothetical conditions that do not obtain in these United States. We suggest that they abandon their half apologetic reference to the fundamental institutions of our governmental structure and state whether they would be willing to destroy these institutions—which they have defended by implication, if not by candid statement—or whether they would retain these institutions and thus destroy the very essence of parliamentarism. We ask that they, if only in justice to their own case, tell us how a system that is applicable only to a homogeneous nation, a nation with a community of interests and with little race feeling, can be adopted in this nation, lacking as it does every one of these fundamental requisites of parliamentarism.

In contrast to the case of the Affirmative, which does not meet the fundamental question of this debate, that of the application of parliamentary government to the United States, the case of the Negative takes cognizance of the fundamental and outstanding actualities that cannot be ignored if this problem is to be argued, as it should be argued, upon its merits. The very forces inherent in the parliamentary form, as we have pointed out, work against the essential institutions of these United States. The concentration of power in the hands of a cabinet is destructive of truly representative government. And, finally, we contend that reason argues against the adoption of the parliamentary form here because the American government, like all enduring governments, is a result of the evolution and experience of the governed; and because the attitudes, and preconceptions that we

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have developed during the evolution of this nation would magnify and accentuate the anomalies and imperfections of the parliamentary system if an attempt were made to apply it to this particular commonwealth.

We must remember this: Government is not alone a matter of constitutions and laws; it is more fundamentally a matter of people's attitudes, their customs, their prejudices, and their traditions. As a people we have certain attitudes and preconceptions. We all know that the perceptions and ideas of the individual are a direct resultant of his experiences and memory imprints. Consider, if you will, a concrete case in point. For four years, all the experiences and environmental situations in which Georges Clemenceau worked and thought were those pertaining to the waging of a war. To save France, it was necessary for him to constantly think in terms of armies, munitions, and death. His environment produced its type. After thinking in terms of warfare and hatred for forty-eight months he found himself unfitted to react to changed conditions when the time arrived to conclude a peace. Likewise the action, the thinking, all the behavioristic psychology of the social mind are a direct result of the experiences and traditions of the American people.

No man can be a thoughtful and interpretative student of history, a student whose viewpoint is directed toward the inner and causal meaning of things, rather than merely toward the superficiality of the external and chronological, without having one thing, if only one, impressed upon him: The best form of government is that which has evolved, thru experience, thru trial and error, to meet the needs of a particular people. Any other form, ideal though it may be in the abstract, perfectly as it may have functioned under British conditions, or under Australian conditions, or under New Zealand conditions, can only result in a series of balkings and inhibitions when forced upon a people who, by reason of their experience and instinctive proclivities, are psychically unfitted for the change. If anything has been made clear to thinking men during the last two years it is that governments the world over have as their origin the hope, the sanction, the evolution and the experience of the governed.

Our individual and group ways of thinking, our *mores* and folkways, our national habits of mind and custom, all of our

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national *sittlichkeit,* these things that have been slowly growing, gradually developing an irresistible momentum, are so ingrained in our very life that we cannot, with impunity, run counter to them. It is futile to close our eyes to the facts that stare us in the face. We may be told this evening that these attitudes and preconceptions are simply a result of our form of government; but does that make them any more non-existent? Imagine that Henry Cabot Lodge, or Mr. Newberry, or the venerable Uncle Joe Cannon, were to become the real executive by virtue of the position of party leader; that one of them, like Mr. Lloyd-George, could dictate the scope and nature of the matters with which Congress should concern itself, could call snap elections and then retain his office when out of harmony with the great mass of the electorate, could make or unmake the entire administration. The mental reaction which you experience at such a suggestion shows all too clearly that such a state of affairs cannot be reconciled with your attitudes and preconceptions. The point is not whether our reaction to such a suggestion is a rational reaction; the point is simply that we do have such a reaction. Consider your own revulsion multiplied by one hundred million and you can picture the grotesque reaction thruout the nation.

We do not mean by this that it is impossible to make progress; we are not *laissez faire* philosophers or unalterable exponents of the *status quo.* We realize that certain changes have taken place in our government in the past, that changes are being effected at present and that doubtless certain changes will be brought about in the years to come. It might be easy for some gentleman whose viewpoint is essentially a superficial one to attempt to reduce this presentation of our attitudes and reactions toward our government to a jocular vein, and thereby blind our eyes to the all-compelling facts. The Negative is simply calling your attention to the fact that our attitudes toward our government are omnipotent actualities, that our customs, prejudices, traditions are as much a part of our government as the mechanistic structure itself, and that these attitudes make any such change as the Affirmative advocate impossible. Some day, perhaps, a wise man will suggest a scheme of reform that is in harmony with our preconceptions and attitudes that will dazzle us all and then we of the Negative will be the first to endorse his plan for political betterment. But

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we feel constrained to say, with the utmost candor, that we have not been dazzled by the brilliancy of the scheme of our Northwestern friends.

The American system of government, imperfect in logic though it may be in some respects, is primarily one that sprung into existence and has functioned during the evolution of this nation, because it fits the needs of this particular, heterogeneous, untrammeled people. We are not referring alone to the mechanistic part—the laws, the constitution, and all the physical appurtances—for the mechanistic is, after all, only a comparatively little thing. But even the mechanistic part came into being only after three hundred years of experience. Clever orators, like the gentlemen of the Opposition, who must have their little joke, are fond of telling us that our government is based on "a misconception of Montesquieu." In fact, the federal system came into being, not as a result of the theories of Montesquieu, or Rousseau, or Voltaire, or any other eminent Frenchman; it sprung solely from the experience of our own people—even the purely mechanistic part. Thirteen sovereign units then found that the only method by which the body politic could attain the most utilitarian form of social control, with a government for the benefit of the greatest possible number, was by a system of federalism that left each unit sovereign within its own domains except in certain specified matters of national rather than of state or local interest. We have pointed out how, concurrent with the growth and expansion of the commonwealth, federalism has become proportionally more and more vital and essential. And even if federalism were not essential to the wellbeing of the American commonwealth, it is so ingrained in our very life, so much a part of our political thinking, that we dare not abolish it.

The mistaken conception that the Affirmative have presented to you this evening—that our government was struck off at one time and has remained the same as when it was removed from the blacksmith's anvil—was exploded by as eminent an authority as Sir Henry Maine years ago. The real source of the American governmental system was the experience of Americans. They had established and developed admirable little commonwealths in the colonies years before that historic constitutional convention assembled; they had had experience in state government and finally they had carried on two successive national

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governments. The general outline of the American constitution, while upon a casual glance it may appear Montesquiean, was, in reality, colonial.

But this mechanistic part of our government is, in the final analysis, not the most important factor. Government is only one of the elements that constitute a state. At this juncture in the debate we again call your attention to the fact that the Affirmative has not met the fundamental issue—that of applying a form of government applicable only to a homogeneous nation to one so vastly different. No less an authority than James Bryce, former ambassador to the United States from England and author of the "American Commonwealth" tells us that there can be no successful administration under a parliamentary system unless there are these three prime requisites,—homogeneity, community of interests and lack of race feeling. The social attitudes we have developed during the years our particular form of government has been evolving to meet the needs of this particular people would accentuate the lack of these fundamental requisites. Instead of a doctrine of harmony of interests, we find in these United States a diffusion of interests. Out in the state of sunshine and flowers they are primarily concerned with the Japanese question; down south of the Mason-Dixon line they are wondering whether the new protective tariff of the Harding administration will discriminate against the cotton planter. As to that essential of little race feeling, we have only to remember the events of the last three months—how assiduously the politicians cultivated the Irish vote, the German vote, the Scandinavian vote, prior to November 2nd, to realize how far the American people are from those essentials of little race feeling and a homogeneity of population.

In conclusion, Ladies and Gentlemen, our position is this: Parliamentary government is applicable only to a nation that has certain definite characteristics; characteristics that are lacking in the United States. Upon this entire question of application —the fundamental one in this debate—the Affirmative have been silent. We do not feel that the Presidential form of government should be abolished in favor of the parliamentary form because the forces inherent in parliamentarism work against certain institutions in the United States; because the concentration of power in the hands of a cabinet is destructive of truly representative government; because the American government, like all enduring

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governments, is a result of the evolution and the experience of the governed; and because the attitudes and preconceptions which we have developed would accentuate the anomalies and imperfections of the parliamentary system. Upon this case the Negative stands.

FIRST NEGATIVE REBUTTAL

Robert Sturman, Chicago

It is necessary, at this stage of the debate to clearly define the issues that have thus far been presented. It has been established: First, that the presidential form of government should not be abolished in favor of the parliamentary form because the forces inherent in parliamentary government work toward the abolition of certain essential institutions in these United States, as federalism, bi-cameralism, and the Supreme Court. Second, because the concentration of power in the hands of a cabinet is destructive of truly representative government; holdover and snap elections block the will of the people, while the presidential form makes possible the existence of an unhampered executive who represents the entire electorate. Third, because the American government, like all enduring governments, is a result of the evolution and experience of the governed. And finally, because the attitude we have developed during the evolution of this nation would accentuate the anomalies and imperfections of the parliamentary system.

Now let us examine in what way, if any, the Affirmative has combated the propositions thus far established. What have they said in answer to the argument that the forces inherent in parliamentary government work toward the abolition of certain essential institutions in these United States as federalism, bi-cameralism, and the Supreme Court? Nothing. Much time has been spent trying to prove what a success that government has achieved in England. For the purpose of this debate it could be admitted that the parliamentary government is the best possible form of government for England, but that does not prove that it would be satisfactory here in the United States. Indeed, we have pointed out innumerable times that we are dealing with two different sets of conditions, but the gentlemen have taken no notice of this. England is small and homogen-

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eous, while we stretch across a continent and are extraordinarily heterogeneous. Merely to show that a government has succeeded under one set of conditions, certainly does not prove that it will be a success under another.

But as a matter of fact, the gentlemen have not even proved its success in England. We have asked them why England was forced to adopt practically a presidential form of government during the World War—but there has been no answer. The answer is that England found its parliamentary system totally inadequate to meet the needs of the situation. Why should we adopt a system which is incapable of action at the very moment that action is necessary to save the nation? We are told that the Parliamentary government is succeeding in such federal states as Australia and Canada. Of Canada there can be no question. It is almost a duplicate of the system in England, where one house is vastly more important than the other. For that reason, as we have already pointed out, it is impossible in this country. Australia presents a somewhat more complicated problem. There both houses are ostensibly equal. But upon investigation, we find that in reality one house rules the situation. There it has been provided that when a measure fails, it immediately is sent to the public for a vote. Now since the representatives have, almost without fail, voted according to the wishes of their constituency, the same members are returned to power. Then, if the measure fails again, as it is almost certain to do, both houses meet in joint session, and decide upon a measure. Since the lower house is several times the size of the upper, we see that in the last analysis, it can overrule the upper, and pass practically any measure it wishes. Thus it is apparent that in Australia, too, the Parliamentary system has of necessity strengthened one house at the expense of the other.

That, we have pointed out, is a natural consequence of a parliamentary government under a bi-cameral system. That would be the natural consequence if it were established here. Says Lowell, speaking of the influence of the Parliamentary government on a bi-cameral system: "Mr. Bagehot's description of the House of Lords must in time apply to the second chamber in any country."

The Affirmative has thus failed in any way to meet the first argument advanced by the Negative.

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As for the second proposition, namely that the concentration of power in the hands of a cabinet is destructive of truly representative government; the Affirmative has carefully sidetracked it hoping that silence would be accepted as a sufficient answer. But silence, while golden, fails to meet the issue, and therefore, we say again: Let the Affirmative in the fifteen minutes it has at its disposal meet us on the issues of the debate, tonight. Let them come back from England to America, to attempt what they have not yet attempted. They must accomplish the herculean feat of establishing a successful Parliamentary government under American conditions as we find them today. We await, eagerly, the next Affirmative speaker.

SECOND NEGATIVE REBUTTAL

Jerome Hall, Chicago

The last Affirmative speaker contends that the English parliamentary system functioned efficiently during the war. The fact is that the gentlemen have been trying to graft upon America a form of government which English political scientists wish to discard or to radically modify. Thus the statement of William Foster in the January 1915 edition of the Edinburgh Review relates not only to the functioning of the parliamentary system during the war, but also to its theoretical efficiency. It is "this clumsy, inefficient organization which wrangled for weeks and months in ignoble efforts to gain a party triumph while the very existence of the nation was trembling in the balance, is no longer fit for its duties."

Is it a result of the "responsibility" which the gentlemen have represented as weighing so heavily upon the Cabinet, that the primary function of any government, namely, that of self-preservation was neglected in this manner? Responsibility, a very desirable quality, indeed, may have meant something in 1866. But in contemporary practice its effect is negligible. We, in America, are sufficiently familiar with what takes place in politics to comprehend the results under parliamentarism of "responsibility." If the coal miners strike, the opposition cries, "The Cabinet is to blame," and then if the weather grows warmer, the Cabinet want the credit for relieving the coal situation.

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The picture drawn, by the gentlemen of the Affirmative, of ministers necessarily "efficient" because of their "responsibility" —as to whom and in what manner they are actually held to be responsible they have been quite silent—is directly opposed to that drawn by Sidney Low in his 1915 edition of "Government of England." On page 196 he states, "Many of the members of Parliament would speedily break down under continuous and sustained exertion. It is astonishing how little it takes to make a member of Parliament ill. A fortnight of real pressure is enough to send harrassed legislators flying to the country in search of rest and change. During the troubled weeks of the summer of 1899 which preceded the outbreak of the Boer War some of the most responsible personages in the Cabinet were away taking their holidays. Responsibility in reality, sits lightly upon the Cabinet."

Besides, it still remains for the next speaker to explain, even to justify the real situation which modern parliamentarism presents, namely that of a superimposed Cabinet which wields all powers of government to the utter destruction of true representation. Not a word have the gentlemen of Northwestern offered about this fact, which is so fundamental that it is causing profound changes to be made in the system even in the small unitary countries of Europe For, after such artificial euphemistic words as "Prime Minister," and "Chancellor" are removed, what difference is there between the rule by a Cabinet, which is itself frequently controlled by one man, and rule by a monarch, a king, or any other one or two men, whatever they are called.

This brings us back to a fundamental point in this discussion, namely that the only mechanism which democracies have thus far evolved to meet their needs of government is the representative system. For, the problems of government are solved, if at all, by the existence and daily functioning of unfettered representatives. Besides, in the United States the shearing of the individual representative of his power would magnify the inevitable results to an almost inconceivable degree. Our nation with its many complex problems is absolutely dependent for the very functioning of a government which is to meet these intricate needs, upon the independence of the representative, and his ability to act from his more specialized knowledge of the problems of his locality.

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THIRD NEGATIVE REBUTTAL

Royal E. Montgomery, Chicago

Since the Affirmative has chosen to remain as a sphinx concerning the proposition we are met to debate—the adoption of the Parliamentary form of Government *in the United States*—and have, instead given us an interesting but irrelevant discussion of the alleged efficiency, responsibility, and elasticity of the parliamentary government as it might exist somewhere, under some sort of hypothetical conditions, and since they have had nothing to say concerning the major issues we have laid down, the Negative proposes to meet our opponents very briefly upon the proposition they have insisted upon discussing before an audience that assembled to hear a debate upon the adoption of parliamentary government in the United States.

As to the responsibility of parliamentary government in the abstract: the gentlemen have ignored the fact that in this very responsibility, this very concentration, lies the danger of parliamentary government. It is dangerous, in the first place, because it is despotic. All the powers, legislative, executive and judicial, revert to the legislature. In the presidential system, on the other hand there are checks against hasty and dangerous legislation and hence a protection of the fundamental rights of the people. There is not true responsibility, in the second place, because the minority has absolutely no representation. And finally, there is not true responsibility because of the constant danger that impulse, not deliberate and propounded judgment, will prevail. The people, sovereign though they be, are but human and it is necessary that they have a governmental machinery that protects themselves against the spasmodic whim of the moment. Professor Sydney Low of Oxford says: "In Great Britain, there is always the possibility of the majority legislating in a spasm of reckless violence at the instigation of a powerful and injudicious ministry." In the United States, on the other hand, we have true responsibility in that there are checks against any such detrimental practice. In other words, presidential government is a form in which deliberation precedes action; parliamentary government is a form in which action precedes deliberation.

As to their second contention—elasticity. Our friends are

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blissfully oblivious to the fact that the fundamental requisite of a popular government is not an immediate simplicity and elasticity, but rather stability. Since the gentlemen have nothing more than their own *ipsi dixit* to advance in favor of elasticity at the expense of stability, we are certainly justified in quoting such authorities as Professor Burgess, Dr. A. Lawrence Lowell, Woodrow Wilson and Sydney Low, all of whom say that the real essential in a democratic government is not simplicity but stability, and that this very elasticity of parliamentary government is often undesirable. The government is in constant danger of being overthrown—as, for instance, when the Roseberry cabinet fell in England over a motion to reduce the salary of the Secretary of War—and there are no protecting checks; the executive is but a committee of the legislature. In presidential government, on the other hand, the administration is chosen for stated periods, there are the checks on the coordinated bicameral legislature and the free, unhampered executive, that preclude the possibility of hasty and improvised legislation.

Finally, as to their cry of parliamentary efficiency: It is an old postulate of political science that the most efficient form of government is the one that best accomplishes the object for which it exists. In administering the affairs of the body politic, this sort of efficiency does not consist in doing things in haste, but in doing them so well that they will not have to be done a second time. Parliamentary government, quite aside from the impossibility of introducing it under the peculiar conditions of the United States, is less efficient than presidential. In the first place, the executive is less efficient—less efficient because it is chosen for political pull, not administrative ability, because the uncertain tenure makes sequence of action impossible, and because undivided attention cannot be given to matters of administration. Prime Minister Peel of England once said: "I defy any minister to perform the duties of his office and sit in the House of Commons 118 days a year." The legislature is less efficient because, in addition to the fact that its leaders must give a portion of their time to administrative matters, there is no equal and coordinate house to insure proper consideration of matters of national import.

The issues in this debate, are unmistakable. Not once has the Affirmative uttered a word concerning the proposition we

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are met to discuss—that the United States should adopt a parliamentary form of government. Instead, they have discussed the alleged responsibility, efficiency and elasticity of parliamentary government from an academic and detached viewpoint. The Negative has met them upon their own proposition and has pointed out how the very responsibility and concentration are destructive of truly representative government, how administration by an omnipotent ministry is diametrically opposed to true efficiency, and how, in the so-called elasticity and simplicity of the parliamentary form there lurks the most subtle danger, since these things can only be had at the price of stability. Parliamentary government is not only less efficient, less stable and less responsible in the abstract; it is a system that cannot be adopted in any nation that is heterogeneous as is the United States, that has any glaring diversity of interests and any tremendous currents of racial feeling. It is a system that would destroy fundamental and necessary institutions in the United States that not even our friends of the Opposition would abandon; a system that, by its concentration of power is destructive of truly representative government. In contrast, the American government, like all enduring governments, is a result of the evolution and experience of the governed; it is a government toward which we have developed such attitudes and preconceptions that the anomalies and imperfections of the parliamentary system would be magnified and accentuated if an attempt were made to force the system upon a people unfitted for the change.

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BIBLIOGRAPHY

PARLIAMENTARY FORM OF GOVERNMENT

Books and Pamphlets

Adams, George B. British empire and a league of peace together with an analysis of federal government, its functions and its method. Putnam. New York. 1919.

Anson, William R. Law and custom of the constitution. 3v. v. 1. 4th ed; v. 2. 3d ed. Oxford. 1907-1909.

Bacon, Charles W. and Morse, F. S. American plan of government. New York. 1918.

Bagehot, Walter. English Constitution and other political essays. Appleton. New York. 1902.

Blauvelt, Mary T. Development of Cabinet government in England. New York. 1902.

Bradford, Gamaliel. Lesson of popular government. v. 2. ch. 30. Macmillan. New York. 1899.

Bryce, James. American commonwealth. new ed. 2v. Macmillan. New York. 1910.

Burgess, John W. Political science and comparative constitutional law. 2v. Ginn. Boston. 1893.

Cleveland, Frederick A. and Schafer, Joseph. Democracy in reconstruction. p. 423-67. Houghton. Boston. 1919.

Courtney, Leonard H. Working constitution of the United Kingdom. Dutton. New York. 1905.

Dicey, Albert V. Introduction to the study of the law of the constitution. Macmillan. London. 1902.

Dicey, Albert V. Lectures on the relation between law and public opinion in England during the 19th century. Macmillan. London. 1905.

Dickinson, G. Lowes. Development of Parliament during the 19th century. London. 1895.

Dodd, Walter F. Modern constitutions. 2v. Univ. of Chicago Press. 1909.

Digitized by Google

Garner, James W. Introduction to political science. p. 178-90. American Book Co. New York. 1910.

Giddings, Franklin H. The responsible state. Houghton. Boston. 1918.

Hayes, Carlton. British social politics. Ginn. Boston. 1913.

Hinsdale, Mary L. History of the President's cabinet. Univ. of Michigan. 1911.

Jenks, Edward. The government of the British empire. Little. Boston. 1918.

Jenks, Edward. Parliamentary England. Putnam. New York. 1903.

Kimball, Everett. National government of the United States. Ginn. Boston. 1920.

Learned, Henry B. President's cabinet. New Haven, Conn. 1912.

Library of Congress. List of books and articles in periodicals on the cabinets of England and America. Washington, D.C. 1903.

Low, Sidney. Governance of England. new ed. Putnam. New York. 1914.

Lowell, A. Lawrence. Essays on government. No. 1. Cabinet responsibility. Houghton. Boston. 1889.

Lowell, A. Lawrence. Government of England. 2v. Macmillan. New York. 1908.

Lowell, A. Lawrence. Governments and parties in continental Europe. 2v. Houghton. Boston. 1896.

Macy, Jesse. English constitution. Macmillan. New York. 1897.

Macy, Jesse, and Gannaway, John Walter. Comparative free government. Macmillan. New York. 1915.

May, Thomas E. Constitutional history of England. 3v. Longmans. New York. 1912.

Moran, Thomas. Theory and practice of the English government. new ed. Longmans. New York. 1908.

Munro, William B. Government of the United States, national, state and local. Macmillan. New York. 1919.

Nichols, E. R., ed. Intercollegiate debates. v. 2. p. 239-309. Hinds. New York. 1910.

Ogg, Frederic A. Governments of Europe. (p. 48-75. The crown and the ministry.) Macmillan. New York. 1913.

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Ogg, Frederic A. and Beard, C. A. National governments and the world war, p. 165-435. Macmillan. New York. 1919.
Peterson, Samuel. Democracy and government. Knopf. New York. 1919.
Phelps, Edith M., ed. University debaters' annual, 1918-1919. p. 1-45. Cabinet system of government. H. W. Wilson. New York. 1919.
Sidgwick, Henry. Elements of politics. Macmillan. New York. 1897.
Stanwood, Edward. History of the presidency. rev. ed. 2v. Houghton. Boston. 1916.
Taft, William H. The presidency; its duties, its powers, its opportunities and its limitations. Scribner. New York. 1916.
Todd, Alpheus. Parliamentary government in Great Britain. 2v. London. 1887.
Traill, Henry D. Central government. London. 1892.
Walpole, Spencer. The electorate and the legislature. Macmillan. London. 1892.
Walpole, Spencer. Essays political and biographical. History of the cabinet. Dutton. New York. 1908.
Wilson, Woodrow. Constitutional government in the United States. ch. 5. Lemcke. New York. 1908.

Periodicals

Academy of Political Science. Proceedings. 8:29-41. Jl. '18. Responsible leadership and responsible criticism. F. Cleveland.
American Historical Association. Annual Report. 1:459-68. '16. Historical ideals in recent politics. Joseph Schafer.
American Law Review. 50:568-96. Jl. '16. English Construction. Alex Pope Humphrey.
American Law Review. 52:669-86. S. '18. Coordinate powers of government. C. A. H. Bartlett.
American Law Review. 52:687-94. S. '18. Where does the governing power reside? Walter Clark.
American Political Science Association. Proceedings. 8:sup. 148. F. '14. Legislative procedure in two Anglo-Saxon countries. A. M. Low.
American Political Science Review. 3:329-46. Ag. '09. Historical significance of the term "Cabinet" in England and United States. Henry B. Learned.

Digitized by Google

American Political Science Review. 7:28-44. F. '13. President's Cabinet. J. A. Fairlie.

American Political Science Review. 8:353-74. Ag. '14. Cabinet government in France. James Wilford Garner.

American Political Science Review. 12:215-40. My. '18. Background of American federalism. A. C. McLaughlin.

American Political Science Review. 13:297-301. My. '19. Proposed administration re-organization in Great Britain.

Atlantic Monthly. 115:672-82. My. '15. British Cabinet. A. G. Gardiner.

Atlantic Monthly. 120:769-78. D. '17. Cabinet in Congress. F. E. Leupp.

Banker's Magazine. 93:517-19. D. '16. Presidential office.

Blackwood's Edinburgh Magazine. 201:133-7. Ja. '17. Change of government.

Dublin Review. 162:112-28. Ja. '18. Legend of the American Presidency. Shane Leslie.

Edinburg Review. 222:426-37. O. '15. Cabinet government. H. Cox.

English Historical Review. 31:291-6. Ap. '16. Inner and outer Cabinets. H. Temperley.

English Historical Review. 32:192-203. Ap. '17. Cabinet in the 18th century. E. R. Turner.

English Review. 22:37-51. Ja. '16. Proving of democracy.

English Review. 23:458-67. Our need of military statesmanship. A. Harrison.

English Review. 24:65-72. Ja. '17. New government. A. Harrison.

English Review. 25:559-71. D. '17. Crisis of irresponsibility. A. Harrison.

Fortnightly Review. 73:922-32. Je. '00. Price of party government. W. S. Lilly.

Fortnightly Review. 107:205-17. F. '19. Cabinet revolution. Sir Sidney James Mack Low.

Fortnightly Review. 113:77-89. Ja. '20. Parliamentary parties and the next general election. D. H: Rees.

Forum. 61:44-52. Ja. '19. Evils in our democracy. C: S. Thomas.

Ladies' Home Journal. 37:94-7. Ag. '20. Congress and the President. R. Young.

Digitized by Google

Literary Digest. 64:47. Mr. '20. Origin of the presidency.
Living Age. 282:423-8. Ag. 15, '14. Cabinet and the empire. W. J. Courthope.
Living Age. 292:587-97. Mr. 10, '17. Cabinet revolution. Sir Sidney James Mack Low.
Living Age. 306:506-11. Ag. 28, '20. America's construction conflict. E. Laskine.
Nation. 109:743-4. D. 13, '19. Breakdown of government. L. Coleord.
Nation. 110:254-5. F. 28, '20. Wanted—A responsible government.
Newstatesman. 12:292-3. Ja. 11, '19. Machinery of government.
19th Century and After. 54:225-38. Ag. '03. Permanent officials and national inefficiency. J. Byers Maxwell.
19th Century and After. 81:281-8. F. '17. Passing of the cabinet. Sir Francis Taylor Piggott.
19th Century and After. 85:25-42. Ja. '19. Comparison between cabinet and presidential government. A. V. Dicey.
19th Century and After. 87:895-903. My. '20. Conflict between President and Congress. A. M. Low.
North American Review. 203:821-9. Je. '16. English democracy in war time. Sir Sidney Low.
North American Review. 212:289-30. S. '20. Default of democracy. D. J. Hill.
Outlook. 120:522-4. D. 4, '18. The President, the cabinet bureaueracy and the country.
Political Science Quarterly. 33:378-95. S. '18. British War Cabinet. R. L. Schuyler.
Public. 22:1086-7. N. 22, '19. Early labor government for England. F. Dilnot.
Spectator. 116:540-2. Ap. 29, '16. Secrecy and the cabinet system.
Spectator. 119:704-5. D. 15, '17. National ministry.
World's Work. 40:69-71. My. '20. Cabinet member on the floor of Congress. W: C. Redfield.
Yale Review n. s. 4:25-42. O. '14. Powers of the President. William H. Taft.
Yale Review n. s. 6:727-37. Jl. '17. Lloyd George and his government.

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CHAPTER VI

GOVERNMENT OWNERSHP AND OPERATION OF COAL MINES

WESTERN RESERVE UNIVERSITY

RESOLVED: *That the federal government should own and operate the coal mines of the United States.*

These speeches were delivered by teams representing Western Reserve University, Cleveland, in the twenty-fourth annual intercollegiate debates of the Ohio Intercollegiate Debating League, composed of Western Reserve University, and Oberlin College. The debates were held January 21, 1921. The Western Reserve Negative team won by a two to one vote, and the Affirmative team lost to Oberlin by the same vote.

On February 24, 1921, two other Western Reserve University teams held a dual debate with teams from the University of Akron. In these debates the Western Reserve Affirmative won unanimously, and the Western Reserve Negative won by a two to one vote. This report of the debates, also the briefs and bibliography, were furnished by Professor H. S. Woodward, Coach of Debate for Western Reserve University.

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GOVERNMENT OWNERSHIP AND OPERATION OF COAL MINES

AFFIRMATIVE

INTRODUCTION:

A. The importance of the question is shown by the current agitation, culminating in the Calder Bill.

B. The question does not involve the nationalization of industry, coal only being under discussion.

I. The public welfare demands government ownership and operation of the coal mines, for

A. Under the present system coal is scarce and expensive when most needed, for

1. The private operator creates an acute seasonal demand by light production in the spring and summer.

2. The "cross-haul" increases the irregularity of supply and the cost.

B. The government would furnish a more stable and adequate supply of coal, for

1. It would operate for service instead of profit, for

a. This was shown by the Fuel Administration.

C. The government would furnish cheaper coal, for

1. Operating for service instead of profit would enable the government to reduce the price, for

a. The selling price would be based on the average cost of production instead of on the most expensive part of the necessary supply.

II. Government ownership offers the only adequate solution of the labor problems in the coal industry, for

A. It would furnish the miners continuity of employment, for

1. It would distribute production thruout the year.

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2. The inclination of the government so to act is shown by the regularity of employment of the civil service employees.

B. The tendency will be to eliminate strikes, for
   1. The government has always shown itself willing to arbitrate, for
      a. The records of the Department of Labor show this.

C. Accidents would be reduced and sanitation improved, for
   1. The protection which the private operator has been forced to give under government control is inadequate.
   2. The government would have full power under ownership and operation.
   3. The experience of foreign countries proves this.

III. Government ownership is necessary to secure conservation of our coal supply, for

A. Altho it is impossible to estimate with accuracy the quantity of our coal deposits, yet
   1. There is grave danger of exhaustion, for
      a. "The consumption of the present decade more than equals that of all previous decades." (T. Roosevelt).

B. Mining for profit alone now leads to great waste of coal, for
   1. As much as 50 tons of coal per acre is left in a single seam in Ohio mines, for
      a. The Ohio Geological Survey shows vast quantities of roof coal to be unmined.
   2. Coal is used for supporting pillars.
   3. Mountains of slack are burned at the mines.
   4. Lower levels are mined, leaving upper levels to cave in.

C. Under government ownership all the coal would be mined, for
   1. The losses in one mine or seam would be covered by the profits from another.
   2. The needs of the future would be heeded.

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D. Government control alone will not bring about real conservation, for
   1. The government cannot force a private operator to mine at a loss.

IV. Government ownership is practical, for
   A. The valuation can be determined by a commission appointed to appraise.
   B. Title can be secured by bond issue.
   C. The bonds can be retired from the profits.
   D. Operation with but little change of personnel can be secured under a commission.
   E. The organization and methods would be based on the successful Federal Reserve Board and the Fuel Administration.
   F. The government has shown its ability to handle large industrial affairs successfully, for
      1. The Panama Canal, the parcels post, and irrigation projects are examples.

NEGATIVE

I. Government ownership would be a dangerous and radical step, for
   A. It would result in class legislation, for
      1. The miners would hold the balance of power, for
         a. The nine hundred thousand organized miners and their wives would force their peculiar interests, for
            (1) Politicians would seek their support, for
               (a) Director General McAdoo did this in the case of the railway men.
   B. Political patronage would be increased, for
      1. No civil service system could be installed to prevent it, for
         a. The miners would not accept it, for
            (1) It would destroy their organization.
   C. Financial corruption would result.
   D. It is only a preliminary to sovietism, for

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1. This is shown by the statements of the British labor leaders and the provisions of the Plumb plan.

II. No democratic government is adapted to the operation of industries, for
   A. The fundamentals necessary to business success differ from the fundamentals of government, for
      1. Business success depends on such things as: continuity of administration, well defined policies, private initiative.
      2. Some of our government safeguards are: limitation of tenure of office, division of power.
      3. The force of private initiative is lacking in government.
      4. The principles of democracy make efficiency a secondary object.
   B. Experience proves this, for
      1. The affairs of the United States Shipping Corporation are full of incompetence and corruption, for
         a. The Fisher-Richardson report to the Senate shows this.
      2. Private operation of the railways in the United States is more successful than government operation was.
      3. The conclusion of E. R. Johnson and G. G. Huebner, transportation experts, is that thruout the history of state management of railways, this method has been proved unsuccessful.
      4. Government ownership and operation of mines has been a failure, for
         a. This is the conclusion of the State Mining commission of the Union of South Africa.

III. Government ownership of the mines is not necessary, for
   A. Labor conditions do not require it, for
      1. Nationalization could not settle the only serious cause of strikes, for
         a. It could not settle the closed shop issue.
      2. Most difficulties can be cured by such plans as that of the Colorado Fuel and Iron Company.

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B. Profiteering is a marketing, not a mining evil, for
   1. The real profiteer is the middleman.
C. Coal shortage has been due to car shortage, for
   1. There has been plenty of coal at the mines.
   2. Private operation, under supervision by the Interstate Commerce Commission, has overcome the car shortage.
D. Conservation is not an urgent problem, for
   1. The United States Geological Survey shows that we have enough coal to last four thousand years.
   2. Mining operations have grown more and more efficient, for
      a. 70 per cent of the coal mined is now brought to the surface instead of 50 per cent, as was the case fifty years ago.
      b. There is room for only 15 per cent improvement.
E. Government regulation is preferable to ownership and operation.

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GOVERNMENT OWNERSHIP AND OPERATION OF COAL MINES

WESTERN RESERVE UNIVERSITY

Affirmative Speeches in Debate against Oberlin College

FIRST AFFIRMATIVE

Albert L. Turner, Western Reserve

For months our newspapers and periodicals have been full of cartoons and discussion of what they call, "Our incorrigible coal industry." The conclusion of these various discussions is summed up in this statement found in the Literary Digest for January 8, "If the coal mining industry can not and does not put an end, for all time, to those practices which have bled the public, and put shame on the coal business, the American people are going to demand that the government step in and take a hand. And when the American people do demand it, in the way that they will demand it after what they have gone thru, they are going to get it." Who would have thought that this prophecy would so soon begin to be fulfilled? Yet, on January 12 Senator Calder, as a result of the findings of a special investigating committee, introduced a bill providing for the government's almost unlimited control over the coal mines.

So, in the midst of this maze of perplexities of what to do and what not to do, of how far to go and where to stop, we of the Affirmative simply propose that the government step in, take over the coal mines, and operate them. But please bear this in mind,—we are not offering a general plan of nationalization of industry tonight. We are pleading for the coal mining industry alone, for that industry is in a class by itself.

Coal is basic, it is fundamental, it is the very foundation of our industrial organization today. Coal has a triangular indispensability. It is indispensable to the individual, because it is his chief source of warmth; it is indispensable to the private in-

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dustrial concerns, because they could not turn a wheel without this basic commodity; but above all, it is indispensable to the nation. America's credit is established over all the world today, largely because she has coal. America holds a strategic position in the world today, because she has the greatest coal fields in the world. The nation which controls the world's coal supply will logically hold the balance of political power, for the future of the industrial activity of every other nation will be at her mercy.

This fundamental industry is being grossly mismanaged, and that is why, Ladies and Gentlemen, we of the Affirmative believe and do contend that the federal government should own and operate the coal mines.

In support of this contention my colleagues will show you how the government can take over and efficiently operate the coal mines, and special emphasis will be laid upon the important phase of conservation. I shall justify government ownership on the grounds that: 1. It will benefit the coal consuming public. 2. It offers the only solution of the peculiar problems of employment in that industry today.

The two problems in the mind of the coal consuming public are to get coal when coal is needed and wanted, and to pay a fair price for it without being gouged to death by unscrupulous profiteers. Last winter there was hardly any coal available; this winter coal is scarce. Why? Because the private operator is a strategist who knows that a distinct advantage lies in letting his mines remain idle during the spring and summer months, and operating at feverish haste during the winter, in order to take advantage of a seasonal demand, getting increased profits by claiming a "coal shortage."

Another cause of irregularity of supply is that overlapping in transportation known as cross-hauling. For example, much coal mined in Ohio goes to supply those states which should be supplied by the mines of Colorado. Now, under government ownership and operation, those mines needed to supply the country would be operated at full capacity thruout the year. Storage facilities would be provided at the centers of distribution to prevent any possible shortage. The war-time policy of the Fuel Administration would be continued, whereby coal mined in Alabama went to supply the south-eastern states; coal mined in Colorado, the western states. Distribution was in order of

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importance of the industries, the physical welfare of the community always getting first consideration.

Now, Ladies and Gentlemen, since by the Affirmative plan you have been assured a continuous supply of coal, the next thing you want is coal at a fair price. According to the report of the Federal Trade Commission in 1918, the cost of putting a ton of coal on the market to the last retailer is only $4.00. Yet we pay from $10.75 to $12.75 for a decent grade of bituminous coal. Think of it, it costs only four dollars to put a ton of coal on the market, yet you and I pay three or four times that amount! But profits, My Friends, are the private operator's prime motive. We are here tonight to impress upon you the fact that the coal mining industry, above all industries, encourages profiteering.

According to Messers Marshall, Wright and Fields of the University of Chicago, the cost of producing coal in the seven leading coal states ranges from $1.95 in Illinois to $3.25 in the state of Washington. Now instead of those mines that can produce coal at $1.95 selling at $1.95 plus a reasonable profit, they all sell on the $3.25 basis plus an exorbitant profit. Altho those high-cost mines produce a very small portion of the entire supply, they determine the price, because all of the coal at all times is needed; and the mine operators appreciate the economic fact that the price of any commodity that is necessary to the community will be regulated by the cost of production of that portion of the necessary supply which is produced at the greatest expense.

Now, if the mines were consolidated under government ownership, one mine could be made to subsidize another. Instead of selling on the basis of $3.25 plus an exorbitant profit, an average would be struck which in this case would equal about $2.40 plus no profit, for the government does not operate for a profit, as profits would return to you anyway, Ladies and Gentlemen, quasi-taxpayers. This non-operation-for-profit is exemplified in our postal system, which, despite the mud slung at it at home, is the most efficient and cheapest postal system in the world, with the possible exception of that of Belgium.

Since the government does not operate for profit, and since the fundamental nature of the industry will be changed so that one mine can be made to subsidize another, it is only reasonable to believe that government ownership will mean cheaper coal.

Now that our coal needs have been supplied, let us take a

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more altruistic attitude. We of the Affirmative maintain that government ownership of the coal mines will solve the labor problems in that industry. The first step toward this will be guaranteeing the miners continuity of employment. At the present time, as everyone knows, the miners work only from one hundred eighty to two hundred days a year, and at a wage not sufficient to tide them over the long period of unemployment. Altho their tonnage wage seems high, they did not get—even during the period of the war—they did not get a wage comparable to that of other laborers in more pleasant fields. The government, however, by its proper regulation of the scale of production would employ the miners continuously thruout the year, and at no time overwork them.

Let us consider another labor problem. According to the latest issue of the World's Almanac and Encyclopedia, in a period of eight years, twenty thousand men were killed while mining coal. In the state of Ohio alone one hundred forty-nine men were killed in the one year of 1918. This unnecessary sacrifice of human life is brought about simply because the private operators in their greed for profit fail to install the proper safety devices. What measures have been installed have been forced by the states. Down thru the years it has been the state's hardest fight to enforce sanitary and safety measures and to prevent child labor in the mining districts.

Under government ownership the mines would not be operated for a profit, and the government would spare no expense in the installation of safety measures for the protection of the miners. Furthermore, any accidents which might occur would be recompensed by insurance, as all this class of government employees have insurance. To get recompense from private operators, on the other hand, requires constant litigation and often long legal fights.

Another cause of discontent and suffering among the miners is the unsanitary conditions of the mining villages. A typical mining village is an example of all that makes any community unfit to live in: poor water supply, improper drainage, poorly built huts or shacks usually of the combination type where cooking, eating, and sleeping are all done in the same room. The scandal of the appalling overcrowding and unsanitary housing conditions presents a picture too black for description.

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It is a menace which would surely secure prompt attention if the miners were employees of the state. In New Zealand, Germany, Belgium, in fact in all countries with government ownership, the state furnishes decent houses at a very low rate to this class of employees, and is very liberal in the matter of building loans. Surely our government would not lag behind.

In conclusion, Ladies and Gentlemen, since government ownership of the coal mines means a regular supply of coal, means coal at a fair price for you and me; and since for the miners it means continuity of employment, fewer accidents, and better housing conditions; therefore, we of the Affirmative maintain that the government should own and operate the coal mines.

SECOND AFFIRMATIVE

W. W. Conant, Western Reserve

The preceding speaker for the Affirmative has shown that government ownership and operation of the coal mines is desirable because it will benefit the coal consuming public and because it offers the only solution of the peculiar labor problems in the coal mining industry. It is to be my endeavor to prove that conservation alone, at the present time, demands government ownership and operation of the coal mines.

Because of the fluctuation of the coal seams themselves, it is foolish to make any dogmatic statement about the number of unmined tons of coal in the country and about their probable life. In one place a coal seam may be several inches thick, while in another place, perhaps only a few hundred yards distant, the same seam may be several feet in thickness. To illustrate this fact in a more concrete way, Marius R. Campbell, the eminent geologist, estimates that there are eighty-four million tons of unmined coal in the state of Ohio. Frank Ray, who perhaps next to Herbert Hoover is the foremost mining engineer in the country, says that there are but thirteen million tons of unmined coal in Ohio.

We should regard this question of our coal resources and their probable life rather as did Theodore Roosevelt, in his special message to Congress on February 13, 1907. Roosevelt made this statement: "The consumption of coal in the present decade more than equals the consumption of coal in all previous

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decades. As a result of this prodigious consumption we must recast all previous estimates as to the life of our coal deposits." This is the way we should regard the life of our coal resources, solely from the standpoint of their consumption. We can readily see that as a result of this "prodigious consumption," as Roosevelt termed it, the time will not be far distant when coal will begin to become scarce and high priced.

Now, the first Affirmative speaker has well said that we are what we are today, industrially and nationally, largely because we have always had an adequate and cheap coal supply. Therefore, if we are to go forward in the future industrially and nationally as we have in the past, we must insure for ourselves an adequate and cheap coal supply. We can do this only by practicing conservation of our coal to the utmost. What do we mean by the word "conservation"? Conservation is anything which will tend to put off the day when coal will become scarce and high priced.

The present system of mining the coal under private ownership is diametrically opposed to conservation in any shape or form. The present system mines the coal from one standpoint alone, and that standpoint is to secure the greatest possible profits. It is obvious that from such a system as this there must be an appalling waste in the actual mining of coal. I have here in this book, the last report of the Ohio Geological Survey, a very concrete example of this great waste in our own state. The custom is prevalent thruout Ohio of not mining the roof coal. To take out the roof coal, the private owners would have to go to the expense of propping up the roof with timbers or concrete posts. Because this expense is not compatible with the greatest possible profits, the private owners are allowing this roof coal to go to waste. Let us see how great this waste is. We read that in Jefferson county at mine No. 2 of the Wheeling and Lake Erie Coal Mining Company, the roof coal, a foot and a half seam, is not mined. This, Ladies and Gentlemen, means a waste of two thousand two hundred fifty tons per acre. We know that a mine does not consist of only one acre, but of many acres. This means a waste per acre of coal sufficient to fill thirty cars, enough to heat entire Oberlin college for perhaps a year.

Again, in Belmont county,—"roof coal reported to be

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uncertain." What does this mean? This means that the owners of this mine, in their greed for great profits, have not even taken the trouble to find out how much coal they have available in their roof.

In Gallia county,—"roof coal, a two foot seam, not mined." A waste of 2,700 tons per acre, enough to fill forty cars!

In Lawrence county,—"roof coal, a two and a half foot seam, not mined." A waste from every individual acre sufficient to fill fifty cars!

This appalling waste is prevalent not only thruout Ohio, but in every coal producing state in the Union. But this matter of roof coal is not the only item of waste to be charged against the present system of mining under private ownership. In front of most mine mouths we can see great piles of slack, mountains of waste. Periodically, the private owners burn these great piles to make way for the accumulation of new mountains of waste. But what we are interested in is the cause of these great piles of slack. They exist because the private owner, in his greed for the greatest profits possible, does not mine the coal economically. Another great waste under the present system is the practice of supporting the roof with coal pillars instead of going to the expense of installing timber or concrete props. Again, in many mines the coal exists in different levels. The custom of the present system is to mine the lower level first, allowing the ground to cave in, crushing the coal in the upper seams and so mixing it with extraneous material that it is very difficult and expensive to extract. Because it is expensive, the private owners prefer to allow this coal to go to waste.

This great waste of the present system would not be so bad, perhaps, if at some future time we could reopen these mines and take out this coal now wasted. But when a mine is once abandoned, the chances are ten to one that it can never be reopened and operated successfully again. This is due to two factors: cave-ins, and the drowning of the mine thru the abandonment of the pumps.

Now how will government ownership and operation of the mines prevent this waste? Let us take, for example, the roof coal in Ohio mines. The government could well afford to take out this coal because, if they lost in so doing, their loss would be more than made up by the profits of the main seams in these

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mines. Thus, by subsidization, as our first speaker has called it, the losses of one seam or mine would be made up by the profits of another seam or mine. If we can but picture this subsidizing method as being carried on thruout all the coal fields, we can readily see how government ownership will make for conservation to the utmost.

Why cannot mere control by the government achieve the same result? Do you suppose, Ladies and Gentlemen, that the government could say to an Ohio mine owner, "You must take the roof coal out of your mine, even if it is a loss to yourself"? As long as America is a democracy and not an autocracy, we would never tolerate such a practice!

Of course, this great and appalling waste does not concern us if we are interested only in the petty things of our generation. If our sole concern is the heating of our homes in the winter and the turning of the wheels of our industries, we do not care about this appalling waste. But if we do care for the future of our country and the welfare of coming generations, then we care about this waste. We are a generous people. We have always kept our doors open to the oppressed of other lands. Why, hardly two years ago we sent thousands of our young men across the sea to make the world safe for democracy. We do care for the future of our country and the welfare of coming generations. This great waste concerns each one of us.

Therefore, since an adequate and cheap coal supply is essential to our future industrial and national expansion; since the present system of mining coal is diametrically opposed to conservation in any shape or form; and since under government ownership alone can we be assured of the utmost in conservation, we believe the government should own and operate the coal mines.

THIRD AFFIRMATIVE

A. C. Jones, Western Reserve

The Affirmative have shown thus far this evening that government ownership and operation of the coal mines is desirable for the miners and the coal consuming public. We have shown also that it is necessary from the standpoint of conservation of the coal supply. And finally we wish to point out to you that

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the idea is not something new and radical, something untried and theoretical, or something manufactured to benefit one particular group of people.

Naturally the word ownership implies buying, and the word operate means to mine the coal, and to carry out all the necessary labor connected with the industry. The question furthermore calls for this to be done by the government itself rather than some outside agency. In other words the government cannot buy the mines and then lease them to private operators for the mining of the coal. The government must itself provide ways and means for the buying and operating of the mines.

But the question which our Opponents have put to us is this: How can this country raise enough money to buy ten or fifteen billion dollars worth of coal mines. They say we are in debt now to such an extent that it will take many decades to free ourselves, and they say that money cannot be raised by selling bonds because liberty bonds have gone down to such an extent that people will now refuse to buy an issue of mine bonds. But, My Friends, the task is not as intricate and hopeless as our Opponents would have you believe. There is always money on hand for good investments and we would suggest the following plan for the purchase of the coal mines of the country: When the proper legislation has been enacted let a committee be appointed for the purpose of appraising the mines. This commission can consist of seven or nine members and can be composed of representatives of miners, operators, and the public, the public's representative preferably being a financial expert. After the committee has appraised the mines at a fair and equitable price, the government can secure title to them by issuing first mortgage bonds to either the operators or public spirited citizens who are anxious to find a good investment for their money. These bonds shall bear an average rate of interest commensurate with that paid by other first mortgage bonds. The bonds can be paid off yearly by the earnings of the mines, and it does not take a good mathematician to see that in the course of about twenty-five years the mines will have been paid for out of the earnings, and instead of belonging to the operators as they do now the government will own them.

Now as to operation,—our Opponents would have you believe terrible things about the proposed plan to operate the mines. We

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believe that they are wrong and submit the following plan to substantiate our contentions. For the control and operation of the mines we would suggest that a commission be appointed to sit at Washington and govern the coal mines of the country. This is the plan that is used in the operation of the Federal Reserve Bank, and who here would say that the government does not operate the Reserve System. Under this commission there could be appointed regional directors who could be in charge of various sections of the country. This was the plan followed during the war by the Fuel Administration, and if good enough to assist the country in the time of war, it is surely good enough to be of benefit during peace. This simple plan of operation does not call for great upheavals in the personnel of our coal mines. It does not mean that those miners who are now working are going to be out of a job just because the government is operating the mines. But it does mean that the government is going to control the price of coal, and that in itself is of particular benefit to the consumer. It should be noted that the consumer is ultimately no one else but the good old general public. The officials in charge of local mines can be chosen for their merit, and the question of political patronage and favor will be a negligible one. The plan is feasible because the government knows at the present time the location and value of approximately all the mines. The mines in this country number, according to the latest census statistics, only about 6495, and the number of operators is even less, being about four thousand in all. The miners are well organized. They have their union. Each "Local" is chartered and numbered. The Union can put its hand on any particular local that it desires and can go almost as far as to reach the individual miners should necessity demand such action. This plan is not one which has been manufactured by us for this particular question. It has elements of the Federal Reserve Bank plan in it; it has elements of the plan of zoning used during the war; and it has other features which have been used by other countries in the solution of their coal and industrial problems.

Even if the plan is workable and a good one, and it has been proved such, has the Government ever demonstrated that it is capable of taking upon itself such a gigantic enterprise? The government at several different times and on several different occasions has proved that it is capable of doing a big thing better

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than it can be done by smaller and less efficient companies. I shall merely refer to the Panama Canal, the Parcel Post, and the Western irrigation projects.

Will you recall with me the history of the Panama Canal. The French government first conceived the idea of building it. Rights were obtained and the work was leased to a *private concern.* This was in the year 1877. The company promised to do the work in fourteen years and at a certain cost. Yet in the year 1900 less than one-third of the canal was dug and the work was abandoned. In other words a large private enterprise fully equipped to build the canal failed to carry out its plan simply because the work was so stupendous that the task was impossible. Yet this country stepped in, secured rights to build the canal and the canal *was built.* Now in nineteen hundred and twenty-one the Panama Canal stands as a monument to the efficiency of our government. Yellow fever and malaria, were killing off thousands of people yearly. There was no water supply. Garbage and waste material were thrown on the streets and allowed to decay, thus causing disease and death. There were no transportation facilities. Yet the American government stepped in and cleaned up the canal zone to such an extent that now there are practically no deaths from these diseases that were formerly present, there is an available water supply, sewers have been constructed, and ways and means of transporting have been established. The Panama Canal was too great an undertaking for a private company which had previously built the Suez Canal; the government accomplished the task. In a similar way the coal problems of our country today are too great for the private operators to handle; our government must step in and accomplish the task of mining and distributing coal efficiently.

A few years ago the express companies controlled the shipping within the country. Whenever anyone had a package to be sent away the express company had to be called in and an enormously high rate for transportation was charged. When the idea of a parcel post was first brought out people laughed; they said it couldn't be worked out because the express companies controlled the field and the government was too inefficient. What has been the result? Many of the larger express companies have been compelled to withdraw from the business because they could not compete with the efficiency and with the price of the govern-

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ment service. Today a package can be mailed at Oberlin to Cleveland and tomorrow the package will be delivered to the person in Cleveland, with the cost only amounting to a few cents. Such is the work of the government in competition with the express companies. With such proof of what can be done, there should be no hesitation or doubt as to whether the Government should buy the coal mines and operate them.

Another example of the government's capability for such a task is evidenced by the irrigation projects in the West. Vast areas of land were thought to be absolutely worthless for farming purposes. Private enterprizes tried time and again to irrigate many of them. But, My Friends, it was only when the government stepped in that the projects were made successful. Now we have many lands being used for farming which, previous to the work of the government, lay useless and unused.

The government has shown throughout the many years of its existence that it is capable of accomplishing big things. The evidence has been brought before you tonight. We have shown you only a few of the really great things which have been done. The fact remains that something is radically wrong with the coal industry. When we need coal we do not have it or prices are so enormously high that few people can buy it. There are many labor troubles constantly arising between the operators and the miners. They are at war continually. We have shown you that by government ownership and operation the conditions of the miners would be bettered, the operators will receive a fair price for their coal, and the public will receive coal when they need it and at a fair rate per ton.

FIRST AFFIRMATIVE REBUTTAL

Albert L. Turner, Western Reserve

You have noticed, I am sure, that the gentlemen of the Negative have not at any time tonight denied the existence in the coal mining business of those regrettable conditions of which we of the Affirmative have told you. In fact they have acknowledged that all of the conditions we have pictured do exist, but they have attributed them to causes which have only a remote relation, if indeed they have any relation at all. Furthermore, they have proposed as a remedy government

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control, which cannot cure the evils, for by its very nature it is unable to get at the root of them.

No one who respects our common sense can tell us that we do not pay extortionate prices for coal. But the gentlemen of the Opposition would have us believe that the coal operators are men who are barely making a living and to whom none of these big profits accrue. They say that the middle-man, a necessary commercial evil, gets all of the profit and is responsible for the high prices. Now let us examine the facts. The latest income tax report states definitely that profits ranging from 200 to 300 per cent were the rule and not the exception. And an authority, writing in the December World's Work tells us of an operator who raised the price of coal from $3.75 to $9.00 per ton in seven days, with no increased cost of production, simply because there was an increased demand for coal.

On the other hand, even if the middle-man or the retailer were partly responsible for high prices, under government ownership and operation, the government could, as sole owner of the coal, lay down the laws by which coal was to be bought and sold. It could say to the middle-man, "You sell this coal for such and such a price and not a cent more, else your supply of coal will be shut off." I need go no further to convince you, Ladies and Gentlemen, that this is the only effective measure against profiteering, and that this measure is only possible under government ownership.

The Negative have said that all coal shortages and irregularity of supply were due to a lack of cars and that there was no cross-hauling; but Mr. McAdoo in a letter to Coal Director Garfield, said that if long hauls and unnecessary overlapping in transportation, practiced by the coal operators, were reduced just 10 per cent, sixty million tons of coal would be available as a result. We have already shown you that the only solution of the problem is the establishment of a proper zoning system and of coal reserves, things which would be done under government ownership and operation.

We have been asked for instances of government owned projects being operated with financial success. Mr. Carl D. Thompson, an expert on government ownership, tells us that the Belgium State railroads have made a net profit for the government of two hundred fifty-one million dollars in eight

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years. Germany in 1904 cleared three hundred seventy-five million dollars. In Prussia the net profits of the railroads were two hundred thirty-eight million dollars. These are instances of financial success in government-owned projects.

The South African Mining Commission made, for the Parliament of South Africa, a study of all the government-owned coal mines of the world. It found that in seven countries the government owned and operated the coal mines. From six of these countries they got an expression of opinion, and it was found that five favored continuance and extension of the policy of government ownership, because by it the general public had benefited considerably in getting coal at a cheaper price and in having a regular supply of it. Besides, these governments cleared neat sums from the actual operation of the mines. Surely our government is as capable of such a project as the governments cited by this Commission.

One of the things that the gentlemen of the Negative have failed to take into consideration, in their capitalistic attitude, is this: irregular employment, unnecessary casualties due to lack of proper safety devices, a total lack of educational facilities and of recreation, scandalous overcrowding, and the filthy condition of mining villages—all these conditions are making life almost unbearable for a million men and their families. We all live more or less according to our environment and the first duty of all governments should be to make it as hard as possible for men to go wrong and as easy as possible for men to go right. If something is not done to remove these causes of irritation which have made so many mining villages hotbeds of dissention and radicalism, if something is not done to soothe the just indignation of a million miners, the American people are going to be face to face with a problem, grave indeed, in its consequences and far reaching in its results.

SECOND AFFIRMATIVE REBUTTAL

W. W. Conant, Western Reserve

Thruout this debate the Negative have been trying to make their case by waving a red flag and crying, "danger." Government ownership and operation of the coal mines would be a dangerous and radical step, they say. This is a familiar cry, old

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as the world itself. Every political and economic change for the better has been called revolutionary and radical. This attack proves nothing. To say that it is dangerous because different is mere folly. It is dangerous only if the effects are to be bad. We are here to prove that they would be good. The Negative must prove that they would be bad, and only as they do this does talk of danger mean a thing. How far they have gone in their attempt to play on our emotions is evident in their effort to link government ownership of the coal mines of the United States with sovietism! I submit that it is self-evident that there is no comparison between the sovietism of Russia and ownership of coal mines by a government such as that of the United States.

In this same connection, the gentlemen of the Opposition have said that the miners would get just whatever they want. They fear class legislation and political patronage. There will be no more miners then, than now—fewer, in fact, since the mines will be continuously operated. Why, we ask our Opponents, does not this group now elect administrations, why do they have to fight so hard and so long to get things that they want? And the postal employees,—Gentlemen of the Negative, will you kindly show us how their attempt to get higher wages supports your contention?

The Negative have insisted that it is impractical for the government to buy the mines. Their estimate of the purchase price is absurd and unfair. In the first place, they have included in their visionary valuation, all the vast coal deposits to which the government still holds title. Second, they have included all the unminable coal and all the low grade coal, the sub-bituminous and other grades that are useless. Third, they have ignored the fact that it is a very common practice to pay for mines by the royalty method. Title passes and the new owner pays a large part of the purchase price in the form of royalties on the coal taken out.

Our opponents state that profiteering is a problem of distribution and not of production. They say that vast profits have been made by dealers but not by mine owners and operators. Let us examine this statement closely. Let us turn to the United States Treasury report on corporate earnings and government revenue for 1917. This report shows that the average earnings of a group

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of three hundred ninety-one mines listed by the Secretary of the Treasury were 52 per cent, and that after deducting all taxes, these was still an average of 36 per cent. Some of the earnings were enormous. Three companies out of every ten showed net earnings of from 100 to 1,000 per cent. Ten companies earned more than 1,000 per cent. One company earned 2,000 per cent. Fifty-six per cent of the mines announced net profits of from 50 to 100 per cent. That these staggering profits did not come from increased production can be shown by citing figures presented in the reports of the United States Fuel Administration. These figures show that the average production of coal from the beginning of the war years up to and including 1920 was scarcely 1 per cent heavier than it was in 1913, the year before the war. It can also be shown that, whereas in 1913 the average net income on each ton of coal was twenty-one cents, in 1918 it was fifty cents—more than twice the pre-war profit. Does this look as if the profits are all made by the middlemen and the dealers?

Our Opponents seem to think that they have answered our conservation arguments when they say we have enough coal for four thousand years or more. Are we so sure we have all this coal? I pointed out in my first speech how difficult it is correctly to estimate the unmined coal. Something must be wrong when M. R. Campbell, an eminent government geologist, says there are eighty-four million tons of coal in Ohio, while Frank Ray, one of the foremost mining engineers in the country, says there are but thirteen million tons of coal in Ohio. Furthermore, Mr. Campbell, in the preface of a recent professional paper published by the United States Geological Survey, says our coal may last anywhere from one hundred to five thousand years, but the chances are that it will last nearer the former than the latter figure. He says further that the higher grades of coal, those used today, will probably be exhausted in fifty years. This means that in fifty years we will have no anthracite or bituminous coal! What will we have left? An unknown supply of lignite and semi-bituminous coal, grades that are not and cannot be used today, and it is very problematical whether we even can use this unknown supply.

I maintain that conservation is a question vital to every one of us. It is not a far-fetched question, a question to be considered

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five thousand years hence; it is one to be settled now. The Negative would leave it in the hands of the government to force conservation by regulation. They would depend entirely on that government whose efficiency they have been so busy denouncing. Furthermore, the very basis of the vast wastage of coal is the necessity for the private operator's personal profit. Retain this and any democracy, as we have shown, is powerless to force fundamental methods of conservation. We urge, instead, a system which operates for service instead of profits, which uses our fundamental natural resource in a way to protect our nation's future while serving the needs of our own generation.

THIRD AFFIRMATIVE REBUTTAL

A. C. Jones, Western Reserve

Our opponents evidently are faithful followers of the Biblical injunction not to let our right hand know what our left hand doeth. One speaker spends a great part of his time arguing that nationalization of the coal mines will be followed by nationalization of everything else. That speaker evidently expects it to be a great success. Another speaker spent his time trying to prove that government ownership and operation of the coal mines would wreck our financial structure, and lead to graft, corruption, and all the industrial and political ills that flesh is heir to. That looks like pitiful failure, doesn't it? Now, which part of the case, we wonder, would the Negative have us accept? This is a great inconsistency, which makes null and void about two thirds of their whole argument.

The third main speaker for the Negative set up the claim that government ownership and operation of the coal mines is not necessary because control, he said, would accomplish better and more far reaching results in the coal industry. By his acknowledging the fact that certain evils exist, he has shown the need for a change. He has admitted a very important part of our argument. Now then, what is the change they propose. It is none other than control by a commission such as the Interstate Commerce Commission. They admit that the Interstate Commerce Commission would be best suited to handle the situation. But let's hear what the Commission has to say about its work thus far, which, by the way, has been controlling the railroads. Its

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official report for the year 1914 says the following: "In its search for truth the Commission has been handicapped by the willful burning of books, statements, and reports. Many officials try in every way possible to hide the truth and to hinder the work of the Commission whenever and in every way possible." In other words, the Commission has not been able to do its work because these officials attempt in every way to obstruct the work of the Commission. The report goes on to say that often results are impossible because of the attitude on the part of the officials. The Commission has failed to exercise the powers it has been given, according to its own words, and our Opponents propose that such a body of men be given more power than they have at the present time, and not only more power but much more work, in spite of the fact that it is not able to carry on the work it already has assigned to it. Control has failed and the only way to remedy these terrible conditions which our Opponents have admitted exist is to have the government step in and buy the mines and then operate them.

In the State of Ohio we have what is called a Public Utilities Commission. The duties of this Commission are to control all Public Utilities; and what have been the results of its work? Everybody in Ohio is dissatisfied with the work of the Commission. Not only those who are actively in contact with it but those whose interest is remote. The gas situation, the telephone situation, and many other things have come before the Commission during the past few months and instead of having them bettered by the work of the Commission they are worse than they ever were. Cries from all sides are being made that the Commission should be abolished and something, yes anything, be substituted, rather than to have the people of this great State continue under such an inefficient and unpopular method. The merit of such a body's work will depend in a way upon the number of times its decisions are appealed in the courts, and the records of our Supreme Court show that there is rarely a decision rendered that is not appealed and a change made.

Then our Opponents say that our government is so inefficient that it cannot carry on such a task as operating the coal mines. How perfectly foolish. In my first speech, I pointed out to you that the government had accomplished certain tasks that private individuals had failed to do. The Panama Canal was

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given as an illustration. The Parcel Post, which no one will deny to be more efficient than any express company's work, was given. Another of great importance was the western irrigation projects. These accomplishments are big things, My Friends, and we wish to have them impressed upon your minds. The Federal Reserve Banking System is conceded to be one of the best, if not the best, in the world. Our government has been able to do these big things and it should be given an opportunity to remedy the evil conditions existing in the coal industry.

We have shown you throughout our discussion, and our Opponents have also emphasized it, that there are these evils existing in the coal industry. We have pointed out clearly to you in our first speeches that government ownership and operation is desirable in order that the public may have a regular supply of coal at a fair price, and in order that the conditions of the miners may be improved. We have shown you that it is necessary in order that there may be real, genuine conservation of coal. And finally we have proven to you that the government is fully capable of carrying on the duties of operating the mines and that the financial consideration can be easily met. In the light of these arguments we believe that government ownership and operation of the coal mines merits a trial.

Negative Speeches in Debate Against Ohio Wesleyan University

FIRST NEGATIVE

Herman Wallace, Western Reserve

Anyone who seeks to substitute for the tried and proved order of events a system ages old and as yet unproved, must assume a great burden of proof. So, the Affirmative in this discussion must show why the present condition of the coal industry makes government ownership and operation necessary. They must show why similar conditions in allied industries would not, according to the same reasoning, lead to the socializing of the railroads, meat, steel, and sugar. This they must do unless, of course, they favor a general policy of state socialism. Furthermore, the proposition requires that they advance a means of evaluating the mines and of meeting the great financial

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obligation incurred in acquiring ownership. Unless they can do this without ruining the finances of the nation, their plan cannot succeed. Finally, they must find a practical plan of operation which will solve the three recognized problems of this industry, as well as others, namely: Labor, production, and profiteering.

Conceding that there are problems to be solved, we of the Negative contend that government ownership and operation of the coal mines is a dangerous and radical step, that no democratically governed state was ever designed to carry on business efficiently, and finally that there is no necessity for the revolutionary departure from our traditional governmental policies.

As first speaker for the Negative, it becomes my pleasure to prove that government ownership and operation of the coal mines is a dangerous and radical step. Under the proposal the Affirmative are supporting, they would consolidate all the mines of the United States, as the first speaker has told us. This they would do, and more; they would necessarily consolidate all the nine hundred thousand miners. The effect of this must not be underestimated. We know that these men are organized and will not scruple to use their power with the ruling administration. We know that politicians hold their office thru popular favor, and that nearly a million votes, not counting those of the miners' wives, would swing any election. We are, then, justified in drawing the same conclusion as that of the South African Parliament,—that the miners would become a part of the party system of government. The only possible result of this would be class legislation. How else would you interpret the speech of Director General McAdoo when he told the railroad men, "You are all my boys, and I do not intend to let anyone kick you around?" The only possible result would be class legislation passed in the hope of gaining the favor of the miners.

In addition to class legislation, it is evident that political patronage would be vastly increased. At every change of administration we would expect the thousands of operators, bosses, and other men necessary to the operation of the mines to be turned out for the favorites of the new rule. This was found to be true of our post-office department until civil service was installed. But do you think that the miners, organized as they are, would let their organization be smashed and their power

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be destroyed, as it would under civil service? Not by any means. They would fight to the last ditch on this proposition alone. So great is their desire for complete unionization that even now, down in Mingo county, West Virginia, miners are camping out on the hills, fighting out the issue of the closed shop.

We find still another objection to this proposal in addition to class legislation, and political patronage. Famous thruout our history has been the graft involved in our Rivers and Harbors Bills. Yet under their proposal for government operation of the mines, billions must necessarily be spent annually for the upkeep and improving of the mining communities. Do you think for an instant that these various communities are not going to demand, just as do other districts, a "fair share" of this public expenditure? Political patronage is not peculiar to this country alone. When New Zealand began the construction of a comprehensive system of national railroads, the cry from thirty different districts was so great that the money was doled out with undue regard to political influence. We are thus forced to conclude that government ownership would mean class legislation, undue political patronage, and excessive financial corruption. In addition to this, more recent developments in this field of social reform show a danger that cannot be overlooked. I refer to the demands of the British miners for nationalization, not as an end, but as the means of getting complete control of the mines. Testifying before the Coal Commission, forced upon the British government by threat of a general strike, Mr. Straker, President of the Miners' Federation of Great Britain, said that the spirit abroad among the men was such that they would never cease to agitate till they got complete control of the industry. So he proposed a scheme whereby the government should buy the mines, using the profits to pay off the capital stock. Since, under this plan, it would be the miners who would produce the profits, the mines would ultimately belong to the workers. Mr. Smillie, the greatest leader the miners have ever known, said, "Capitalism and its forces fear that this (nationalization of the mines) is only the beginning, and that after the railroads, the land will follow. We admit it." This, Ladies and Gentlemen, is clearly a declaration of war against all private property. Connect this with the recent

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demonstration of the railroad men in the United States and you have a significant fact. At the time when it became necessary for the government to take definite measures in regard to the control of the railroads that was assumed during the war, among other plans offered was that of the railroad men as represented by Glen E. Plumb. In brief, it was that our government should buy the roads and turn them over to the men to be run. In case there should be any profit it was to be divided equally between the government and the men. But in case of a deficit the government, which is, after all, only you and I—the government alone—was to be responsible for any mismanagement of the industry.

Friends, this is only thinly veneered sovietism, and despite the fact that the British miners have labeled it "guild socialism," it does not differ materially from the brand so splendidly exemplified in Russia today. Remember that most of the conditions that have been or may be cited by the Affirmative as justification for nationalization of the mines would apply equally well to many other industries, such as meat packing, sugar, agriculture, and steel. Recalling that the English miners expect it to spread to other industries, ultimately to serve as a means of gaining complete control of industry—remembering all this, we cannot but ask these gentlemen for definite proof that it will not serve as an open highway to sovietism in this country. Unless they can do this we can never feel safe in departing from the charted seas of private enterprise.

It is, therefore, evident that the Affirmative must prove in the face of historical evidence that their proposal will not lead to class legislation, to undue political patronage, and excessive financial corruption in our government, and finally that it will not serve as a milestone on the way to sovietism.

SECOND NEGATIVE

John Morrison, Jr., Western Reserve

We have heard two thirds of the Affirmative case, yet we have not, may I remind you, been given any hint of a plan by which the government could actually purchase one hundred seventy-five billion dollars' worth of coal property in the United States. Nor have they vouchsafed any hint of a plan of

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operation. Without this their claim of plentiful and cheap coal is assumption; their claim of benefits to labor, assumption; their claim of extensive conservation, mere assumption. Let them advance a method of procedure by which we can logically connect their assumptions with facts and actual experience.

The first speaker for the Negative has proved to you that such a step on the part of the government would be an extremely dangerous and radical one, leading inevitably to gross corruption of the government and culminating finally in sovietism. As the second speaker for the Negative I shall prove that a democracy, such as our government, is not adapted to the operation of industries. Experience in this country, and in other countries as well, in the coal mining industry as well as in other industries, shows that government operation of industry has inevitably failed. The question arises as to why our government is not adapted to the operation of industries. Now let us for a minute compare the fundamentals necessary to the successful business organization on the one hand with those of our government on the other hand. Note those things which are absolutely indispensible to the success of each in its individual sphere. We might sum up those of the business organization as being about these: a well defined set of policies and working formulas; continuity of administration and directing force; absolute centralized control and responsibility; an efficient finance system; a directing force composed of men who have attained their positions because of their ability to perform the duties incumbent on those positions; while throughout the organization there must be that greatest of all forces, the incentive of private initiative. This organization must pay its debts, including the interest on its bonded debt, from its own products.

On the other hand we have our government. If I should tell you that our government was organized to make profit it would cause you to laugh, or more likely to shed tears. We have the finest democracy in the world, however; and we have so surrounded it with checks and safeguards that no one person or group of persons can ever usurp the power of this government and take from us our freedom. Thus we have our system of checks and balances, our division of powers, the limitation of the tenure of office, thus making the question of succession in office one of frequent and automatic consideration. Around

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these have grown up our system of political parties which are changing continuously and completely our policies and working formulas, our administration and directing force. We cannot have centralized unrestricted control and responsibility. Furthermore we have no finance system, such as is necessary to a business organization. The men in the directing personnel of our government have attained their positions, not because of their ability to perform the duties of these offices, but because of their political power. Finally, the force of private initiative does not exist.

Thus on the one hand we have continuity of policies and working formulas, continuity of administration and directing force, absolute centralized control and responsibility, an efficient finance system, a capable directing force, with the force of private initiative added. Over against this we have continuously changing policies and working formulas, continuously changing administration and directing force, with no centralized control or responsibility, with no finance system to speak of, with the directing personnel composed of men who have attained their positions because of their political power, and the entire organization lacking the force of private initiative.

Thus we draw our conclusion from the study of these fundamentals, that our democracy is not adapted to the operation of industries. Experience in this country and abroad bears this out both in coal mining and in other industries. However, we cannot but agree with *Charles D. Fenwick* when he says, "In normal times of peace, those people who believe in *Democracy* as a principle of government have no hesitation in sacrificing some degree of efficiency to secure their ideal. There are certain moral advantages attached to self government which make efficient government a distinctly secondary object."

Permit me at this time to introduce some evidence to bear out our conclusion. I shall first quote *Admiral Benson,* the head of the United States Shipping Corporation, a government organization in operation at the present time, the purpose of which is to put a mercantile marine on the high seas for this country. Admiral Benson says, "Government management in any large business is bound to fail. It is always slothful, incompetent and extravagant."

Nor does Admiral Benson deny any of the charges brought

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against this organization by the Senate investigating committee, which gave its report as the Fisher-Richardson report before the Senate last November. Here are a few items from this report. The people of the United States are losing from one-half to a million dollars a day on this shipping board organization right now. Possibly no bookkeeping jumble in the history of mankind has ever equaled the jumble that now mountain-high baffles the accounting offices of our government. For example a bill of six hundred twenty-three thousand dollars was paid over twice by the board by mistake. A million dollars was lost during the last year in the buying of asbestos cloth, bought at 50 per cent above its market value. Over payments to the amount of tens of millions of dollars were made on claims submitted by foreign shipping firms. The saddest part of all is that twenty-four hundred cases of fraud are under consideration at the present time. The climax comes when Mr. Richardson of the committee testifies that these conditions not only existed a year ago, but that they are growing worse everyday. Furthermore, shipping men are agreed that the government should turn its ships over to experienced operators on a bareboat charter and wholly retire from the shipping business.

Further important evidence of the inefficiency of the government in the field of industry is offered by the case of the railroads. Mr. Samuel O. Dunn, the foremost of American traffic men, gives us the following figures. The condition under which private operation was resumed was far from ideal, but in the first nine months of private control with no addition in equipment, we had an increase in freight utilization of 15 per cent, while the car shortage was reduced 50 per cent. This is in contrast with the first year of government operation, when, with an increase of fifty-seven thousand cars, the increase in freight hauled was but 1.8 per cent.

Professors E. R. Johnson and Grover G. Huebner, the two most noted authorities in the country on transportation and business administration, both of the Horton School of Business and Finance of the University of Pennsylvania, gives us these conclusions, drawn from the comparison of government operation of the railroads with that of private operation. "We believe the following facts make themselves clear throughout the history of state management: that government operation has not paid all its

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expenses; that government operation though a burden to the taxpayers, has not supplied them with particularly excellent service; that government operation has not been especially cheap; that government operation presupposes a highly centralized, powerful, intelligently active administration—which the people of the United States have no desire at present to possess; finally, that the only possible defense of government operation would be socialism."

Coal mining itself offers direct evidence of government inefficiency in the field of industry. Some of the best evidence of the fact is found in the final majority report of the State Mining Commission of the Union of South Africa. Contemplating ownership and operation of the coal mines, an exhaustive study was made covering a period of three years, 1915 to 1918, of the seven governments in the world, owning and operating their coal mines. From this report the facts which stand out most prominently are these: "The collective experience of all other governments in the province of state mining is insignificant, in comparison with that of the German Government. Notwithstanding the fact that the latter government is not renowned for democratic characteristics but rather for efficiency and thorough organization, it must admit failure in its handling of the coal mining business."

Against the theories and the assumptions of the Affirmative we place the facts of experience and maintain that democratic government is not adapted to the operation of industries. The United States federal government, then, should not undertake to buy and operate the vast coal deposits of the United States.

THIRD NEGATIVE

L. L. Whitney, Western Reserve

In order to put their dangerous and ineffective principle into operation, the Affirmative gentlemen have submitted a plan based on assumption. They are assuming that our government, without disrupting our financial basis, can float a bond issue of approximately one hundred seventy-five billion dollars, which is a low estimate of the value of our coal resources. They are assuming that labor will put forth an effort under government operation equal to that under private operation. They are

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assuming that the present personnel will remain unchanged. They are assuming that their political organization for business purposes will not result in gross mismanagement and corruption such as past experience has shown. They are assuming that the conditions in coal mining which they deplore will be remedied by this plan. Let them displace these bare assumptions with conclusive evidence and cogent reasoning.

It is my purpose now to prove that government ownership and operation of the mines is not necessary. They advance labor conditions as a reason for this dangerous and ineffective measure. We reply that the only serious strike situation in the country is that in the West Virginia fields—a strike that has been going on over the principle of open shop. This principle is not peculiar to the coal industry. Last year the largest and most serious strike of a year filled with strikes was that in the steel industry, fought out over this same principle—open shop. Their argument for nationalization of coal for labor reasons applies with equal force to the steel industry. How could nationalization of the coal mines remedy this trouble? Could a government of the people and for all the people grant a demand for a closed shop and force every employee to join the union? There were strikes last year among the printers, the longshoremen, and large strikes in the railroad yards. Now we are informed that the farmers of the Northwest are proceeding to use the method of the strike because of the low price of wheat. Why not with equal logic nationalize all of these industries and make over our government into a Marxian socialistic state? We ask the Affirmative gentlemen if the government would be in a better position to settle labor disputes as a party to the quarrel than as a disinterested party, as it is at present.

They have advanced profiteering as a pressing reason for nationalization. We reply that investigations have clearly shown, if they have shown anything, that the greater part of the profiteering in coal has been done by the middleman. Last fall, when coal was selling in Cleveland at $12 a ton, the Pittsburg Coal Company was selling lump coal at $4.00 a ton; the New York Coal Company and the Lorain Coal and Dock Company at $5.00 a ton. It was purchased at the mine in West Virginia and Ohio, as a matter of course, at from $4.50 to $5.00 a ton. How would government ownership and operation of the coal

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mines remedy profiteering by the middleman—a marketing evil? They advance coal shortage as a necessity for drastic action. We reply that there was plenty of coal at the mines last fall, but that car shortage prevented distribution of that coal, and challenge the gentlemen to deny that fact. We furthermore reply that there is plenty of coal at hand now because the Interstate Commerce Commission took action with the means at hand, and furnished cars, with the aid of the efficiency of privately owned and operated railroads. How will nationalization remedy car shortage?

The gentlemen have argued conservation as a dire necessity for their radical and ineffective step. We reply that, according to the report of the United States Geological Survey of 1917, we had used to that date but 4 per cent of our total supply of coal above three thousand feet, and have enough coal to last four thousand years, with generous allowance for what is termed by that report as "unpreventable waste." Cut these figures in half, say two thousand years, if you will, and still it would appear folly to take chances on a dangerous and inefficient plan, which promises even worse conditions.

Already a great deal is being done with the means at hand to help these very conditions, which are really not half so bad as painted by the gentlemen. Labor difficulties of the most acute nature in the industry have been positively cured by the Colorado Fuel and Iron Company, through the institution of a system of industrial democracy, through which the men have a voice in those matters in which they are most interested. Profiteering by the middleman is an evil recognized by the coal operators and they are fighting it in every way. Efficiency in the operation of mines has resulted in bringing to the surface 70 per cent of the coal mined, instead of 50 per cent, as was the case fifty years ago; and Professor Ray of Ohio State University, an eminent coal mining engineer, who has already been quoted by the Affirmative, tells us that there is room for but 15 per cent improvement in the means of conservation.

There is obviously no necessity for the Affirmative's program. But were we to grant the conditions to be fully as bad as set forth by the gentlemen, there is yet a more sensible, a more safe and business-like plan for remedying them; namely, the extension of the principle of government regulation. Senator Calder, the

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chairman of the Senate Committee on Reconstruction, after months of patient investigation of the coal industry, introduced a bill last week providing for full publicity of the facts in the coal industry, for the laying open of the books of the operators, just as the books of the railroads have been laid open by the Interstate Commerce Commission. He further provides for the fixing of prices of coal by the President in times of emergency, just as railroad rates are fixed by the Commission. He strikes directly at the evil of profiteering by the middleman by providing for a differential tax to be laid upon re-sales, a prohibitive tax in case of re-sale between dealers. The provisions of the act are to be enforced by licensing the dealers and putting them out of business in case of violation. Mr. Herbert Hoover is opposed to nationalization, but he recommends this principle of government control as a means of cooperation with mine owners in the construction of a huge electric trunk line across the industrial section of the country, this line to be fed by power generated directly at the mines. His plan is endorsed by the American Institute of Mining Engineering and Mr. J. Russell Smith, a noted authority on natural resources. It would provide year-around employment for miners, the burning of coal dust and low-grade coal, at the mouths of the mines, furnish the cheapest power ever known, and lower the cost of living. Every single condition in the mining industry can be remedied better by government control than by government operation. Control brought the railroads out of a condition of rate-discrimination, corruption unknown in the history of our country, highway robbery of the public, out of an attitude tersely expressed in the words, "The public be damned." It is safe, and we know it will work in the coal industry.

Our great and prosperous country cannot afford to embark blindly on the uncharted sea of nationalization with its dangers and its perils. The monster of sovietism rears its head among the reefs of political corruption and the rocks of government inefficiency in business management. Past experience in our own country and abroad warns us against this venture, and reason demonstrates that present conditions render it unwarranted and far-fetched. There are sufficient means at hand for improving conditions in the coal industry. Nationalization is

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dangerous and ineffective and the Affirmative gentlemen have not shown convincing reason why it should be put into effect.

FIRST NEGATIVE REBUTTAL

Herman Wallace, Western Reserve

The gentlemen of the Affirmative have evidently forgotten, during the course of this debate, that they are bound, under the statement of the question, to prove not only that the government could operate the mines but also that it could undertake successfully the enormous task of buying the mines. While devoting most of their time to speculation on what they assume the government would do in operation, they have turned aside from the proposition of ownership with a few words, as if this were a simple matter. The third speaker affably said, "Just issue first mortgage bonds"; and then with admirable optimism, he said these bonds could be retired in about twenty-five years from the earnings of the mines!

Let us investigate this simple matter a little more closely and see if there is any source of trouble at this point. According to the United States Geological Survey, we own about three trillion five hundred billion tons of this world's coal supply. Estimating this at the very low figure of five cents a ton, the price for which the government sold coal property to private purchasers twenty years ago, the cost of the raw product alone would amount up to one hundred seventy-five billion dollars. In other words, they propose to float a bond issue seven times the total sum of all our war loans. This they propose to do on a market which Governor Harding of the Federal Reserve Board fears would collapse if subjected to the strain of the two billion dollar loan necessary to give a bonus to our over-seas men. Ladies and Gentlemen, the very impossibility of their plan is only too evident, and yet on top of this they expect the government to run a business which must meet an annual interest charge of about eight billion dollars! Seemingly they forget that Liberty Bonds have fallen to around eighty-five. They do not choose to consider the present unpopularity of any government project, and the widespread feeling among the people that what is needed is much less spending and much more saving. Apparently their mole-hill task becomes a mountain upon closer investigation.

The Affirmative speaker who has just left the floor has cited

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the State Mining Commission of the Union of South Africa as authority for the statement that five of the seven countries in which there are government owned mines, favored the continuance of the plan. They did, but only as an experiment. The gentleman should have read further in the Commission's report. Their final report was strong in its opposition to government ownership, and the South African Parliament refused to embark on the experiment. Let me repeat what one of my colleagues read from this report: "The collective experience of all other governments in the province of state mining is insignificant in comparison with that of the German government. Notwithstanding the fact that this government is not renowned for democratic characteristics, but rather for efficiency and thoro organization, it must admit failure in its handling of the coal mining business."

Furthermore, while they have scoffed at the prospect of class legislation and political patronage, should their plan be adopted, they have given us no definite proof that such would not be the case. The power of labor, its inclination to use this power in support of its class interests, and the weakness of the government in the position of employer may be ridiculed but they cannot be denied by the Affirmative. It was demonstrated in 1910 when miners in the state mines of New Zealand were refused a wage increase. Ten thousand men assembled, marched upon the capitol, and forced out the administration. France was able to avert a strike on the state owned railroads in 1912 only by calling the men to the colors and threatening them with death if they deserted.

And again, the Affirmative have ignored the threat of sovietism which is so plainly written in all nationalization schemes, yet they dare not deny the truth of Mr. Smillie's statement regarding the object of the British miners in seeking to carry out their plan. Let them dispose, if they can, of this labor leader's declaration that nationalization of the British mines is only the beginning, to be followed by the railways and the land. This is one method of undertaking to settle labor difficulties, but the experience of New Zealand, Australia, and Russia proves that the cure is worse than the disease. Conditions in these countries demonstrate that even the problems of safety, sanitation, and continuity of employment are made much more serious by such a program as the Affirmative propose.

We insist that the Affirmative prove that their plan is

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practical. Let them show how the mines can be bought. We insist also that they no longer ignore the prospect of class legislation, political patronage, and ultimate sovietism.

SECOND NEGATIVE REBUTTAL

John Morrison Jr., Western Reserve

The final test of any industrial and financial program must be practicability. On this issue the Affirmative have chosen to give us only broad generalization and open assumption. First, we asked the gentlemen how they would arrive at a fair price, how they would appraise the coal properties. They reply, "Appoint a commission of seven or nine members." That is all very simple, isn't it? Yet the Interstate Commerce Commission, some ten years ago, was charged with a much simpler task, the appraisement of the railway properties of the United States. There is as yet no prospect that this job will ever be completed. Still, the Affirmative would add another to the imposing galaxy of commissions at Washington! Second, we have repeatedly asked how the gentlemen would buy the mines. One speaker touched on this. He said, "Issue first mortgage bonds, bearing an average rate of interest, and pay them off in twenty-five years from the profits of the mines"! And that, too, is very simple, isn't it? Five cents for every ton estimated by the United States Geological Survey gives us only a very rough estimate, but it amounts to one hundred seventy-five billion dollars, as my colleague showed you. The Affirmative, in off-hand fashion, reduce this to ten or fifteen billion dollars. Of course, neither figure is accurate. But let us call it fifty or seventy-five billion dollars. Now will the Affirmative show how it is practicable for the government to buy the mines in the face of the present state of the government bond market and the general financial conditions to which my colleagues have called your attention? Third, the burden of proof is on the Affirmative to show that government operation of the mining industry is practicable. The debate is all but over, yet the Affirmative has not vouchsafed any definite plan of operation. All they have said is, "Appoint a commission to sit at Washington and govern the mines." Another commission, if you please! Under this commission are to be regional directors, and under them the mines will continue their present personnel,

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they tell us. We ask you, does this prove the practicability of their plan? Far from it. They say that it is practicable to avoid political evils. But how? As we have shown, not even civil service methods could be applied. The Affirmative make no answer to this. Nor can they dispute the evidence introduced in my first speech regarding the Shipping Board scandal. President Hadley of Yale says of government ownership of railways that politics would corrupt the management and the management would corrupt politics.

Our Opponents say it is practicable to give the public cheaper coal under government ownership. And what is their proof? Only this—that the government would operate for service, not for profit. Cheaper coal is, then, another assumption. They assume that the miners are not going to catch the "government stride." They assume there will not be recklessness and extravagance such as now exists in the Shipping Board affairs. Let me remind you again of what the experts, Johnson and Huebner said about the railways, that thru the history of state management, government ownership has not paid all its expenses.

The Affirmative cite the Panama Canal as proof of the practicability of government ownership of the mines. The Panama Canal was a military necessity. Colonel Goethals built it virtually under army discipline, and expense was no consideration. Could such methods be tolerated in operating an industry, and one occupying a normal place in our everyday life? We think not. They cite the Federal Reserve System and the war time Fuel Administration. The Federal Reserve Bank does not own and operate the banking business of the country. This is more nearly an illustration of government control. As for the Fuel Administration, everyone knows that it needs a world of defense.

On the grounds of practicability, the case of the Affirmative lacks a definite plan of procedure, pertinent evidence and cogent reasoning. On the evidence we have introduced we base our contention that government ownership of the coal mines is utterly impracticable.

Furthermore, we of the Negative have shown that government ownership would be a most dangerous and radical step, leading to socialization of all industry and to sovietism. We have also contrasted the fundamentals of democratic government with those of successful industrial management, and we

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contend that logic and evidence show that democratic government is not adapted to the operation of industry. Finally, we have proved that there is no necessity for embarking on so vast a venture against which both reason and experience so strongly argue; for improvement, we have shown, can be expected only thru extension of the principle of government control.

On these fundamental contentions the Negative rests its case. We hold that the theoretical plan of the Affirmative, depending so much on assumption and prophecy, should not be adopted, that the federal government should not own and operate the coal mines of the United States.

THIRD NEGATIVE REBUTTAL

L. L. Whitney, Western Reserve

The gentlemen of the Opposition are indeed adept in the art of glossing over facts and conditions. The first speaker for the Negative side of this argument clearly pointed out the dangerous tendency of the principle of nationalization. He introduced conclusive evidence to show that the advocates of nationalization of industries expect to follow what they call "the first step." No speaker for the Affirmative has yet attempted to overthrow the authorities quoted or to refute the evidence; our Opponents have merely contented themselves with the gentle and oft-repeated assurance that the plan is perfectly harmless and that every benefit will follow its adoption. For the third time we ask our Opponents to meet this vital and far-reaching issue.

In order to preserve their precious plan from attack, they have set up the coal mining industry on a pedestal as something unique among industries. They have told you that, the coal industry being unique, its evils are peculiar and therefore require peculiar remedies which they would not recommend for any other industry. The fight over the closed shop is the most fertile source of trouble in the coal industry, and so it is in all other industries. Coal mining is not peculiar in this important matter. Let the Affirmative deny that it is. And let them show how a government of the people for all the people could grant a demand for the closed shop and force every employee to join the union. So far they have avoided this issue entirely. Profiteering per-

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vades all industries; it is not peculiar to coal mining. There is need of conservation of all natural resources, it is not peculiar to coal mining. If these conditions are arguments for nationalizing of the mines, they likewise argue with equal force for nationalization of all industries.

But, Ladies and Gentlemen, special stress has been laid upon the necessity for conservation of our coal supply. The gentlemen have argued long for what has been proved to be a dangerous remedy on the ground of conservation. They have told you that the coal industry is a fundamental industry and that a principle must, therefore, be applied to coal mining that they would not advise for other industries. Now, if there is any one thing that Americans have learned, particularly during the war, it is that there are many vital necessities to life, that there are many fundamental products. Who used to stop to think that sugar was essential? Yet, when the supply was cut, how much complaint was heard on all sides!

Professor Van Hise has been quoted considerably by the Affirmative gentlemen as an authority on conservation. Let us consider what Van Hise has to say about some of our other industries. Agriculture is the most fundamental of fundamental industries. Van Hise says, "four million acres have been so deeply eroded as to be totally destroyed" or, in other words, .6 of 1 per cent of our agricultural land has been lost to us. Remember that only .2 of 1 per cent of our coal supply has been used to date. Petroleum is indeed a fundamental product since the introduction of the gas engine. At the present rate of consumption, our oil supply will be exhausted in ninety years. Ask our Cleveland housewives if natural gas is not essential. Natural gas will not be available for more than twenty years. Who can say that iron is not a fundamental product? That extremely fundamental natural resource will be exhausted in about three decades more. Copper will last from fifty to one hundred years.

What is the natural conclusion? Simply stated, it is this: the same argument that would nationalize coal would nationalize practically every industry in the country. When the Affirmative gentlemen argue for government ownership and operation of coal mines they are arguing for the transformation of our great free republic into a Marxian socialist state and nothing less.

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They do not dare admit this, but it is very obviously true. But, Ladies and Gentlemen, this ineffective and dangerous remedy for the difficulties in the coal industry is not necessary. There is a better, a safer, and a more reasonable cure for all the evils existing at present, and that remedy is the extension of the principle of government control, which has proved so successful in our past history.

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BIBLIOGRAPHY

GOVERNMENT OWNERSHIP AND OPERATION OF COAL MINES

Books and Pamphlets

Campbell, M. R. The coal fields of the United States. Supt. of Doc. 1908.

Canada. Department of Mines, Bulletin 14. The coal fields and coal industry of Eastern Canada. F. W. Gray.

Carter, G. B. Tendency toward industrial combination.

Carter, Huntly, ed. Limits of state industrial control. Stokes. 1919.

Cleveland, F. A. Organized democracy: an introduction to the study of American politics. Longmans. 1913.

Cole, G. D. H. Self-government in industry. Macmillan. 1918.

Eastman, Crystal. Work accidents and the law, pt. 1. Coal accidents. Charities Pub. Com. 1910.

Ely, R. T. Outlines of economics. Labor problems, p. 449-92. 3d ed. rev. Macmillan. 1916.

Fabian Research Department. How to pay for the war. p. 115-118.

Geological Survey of Ohio. Fourth Series. Bulletin 9.

Goethals, Geo. W. Government of the Canal zone. Princeton Univ. Press. 1915.

Lloyd, Henry S. Wealth against commonwealth.

National Civic Federation. Government ownership. 1915.

Nearing, Scott. Anthracite: an instance of natural monopoly. Winston. 1915.

Orth, Samuel P. Readings on the relation of government to property and industry. Ginn. 1915.

Raine, G. E. Nationalization peril.

Ray, F. A. Ohio coal supply and its exhaustion. Ohio State University. 1914.

Skelton, O. D. Socialism, a critical analysis.

Smith, Joseph Russell. Commerce and industry. Holt. 1916.

Digitized by Google

State Mining Commission of the Union of South Africa. Final majority and minority reports. 1916-1918. Also "Appendix E" to the minutes of evidence. (Important).

Suffern, Arthur E. Conciliation and arbitration in the coal industry of America. Houghton. 1915.

Van Hise, C. R. Concentration and control. Macmillan. 1914.

Van Hise, C. R. Conservation of natural resources in the United States. Macmillan. 1910.

Van Hise, C. R. National conservation commission report. 1909. 3:433.

United States Department of the Interior. Bulletin 424. The valuation of the public coal lands. Geo. H. Ashley.

United States. Statistical Abstract.

United States Treasury Report on corporate earnings and government revenues for 1917.

Periodicals

American Statistical Association. Publications. 13: 139-59. Coal supplies and production of the United States. C. W. Parker.

Annals of the American Academy. 89: 22-43. My. '20. American control over war prices. P. W. Garrett.

Atlantic Monthly. 90: 667-74. N. '02. Australasian cures for coal wars. H. D. Lloyd.

Atlantic Monthly. 115: 202-14. F. '15. Some political phases of government ownership. S. O. Dunn.

Century. 93: 605-11. F. '17. Can a democratic government control prices? J. E. Davies.

Coal Age. 11: 307-9. F. 17, '17. Cooperation, conservation and competition in the coal industry. E. W. Parker.

Coal Age. 18: 1155. D. 2, '20. United States judges enjoin Indiana fuel commission.

Coal Age. 18: 1037. N. 18, '20. Results of private enterprise. H. A. Williams.

Contemporary Review. 117:457-64. Ap. '20. Some objections to nationalization. Selborne.

Dearborn Independent. Ja. 3. Ap. 7, '20.

Dial. 67: 394-404. N. 1, '19. Coal: a mismanaged industry. W. N. Polakov.

Digitized by Google

Dial. 67:404-7. N. 1, '19. The coal issue in Great Britain. W. N. Ewar.

Dial. 67: 407-12. N. 1, '19. The nationalization of mines and minerals. (A bill to nationalize).

Fortnightly Review. 112:381-94. S. '19. Nationalization in Australia. C. G. Wade.

Forum. 56:705. D. '16. Managing the government on a business basis. Perley Morse.

Forum. 61: 21-34. Ja. '19. Dangers in government ownership. J. E. Watson.

Independent. 104: 17. O. 2, '20. The hard coal strike.

Independent. 104: 156. O. 30, '20. Knocking the bottom out of British business. E. S. Slosson.

Independent. 104: 161. O. 30, '20. A million British miners go on strike.

Literary Digest. 63: 11-13. D. 20, '19. Who won the coal strike?

Literary Digest. 63: 16, 7. D. 13, '19. Down to the facts in the coal fight.

Literary Digest. 66: 4. S. 18, '20. Coal shortage.

Literary Digest. 66:24-5. Jl. 10, '20. Red tape of government railway control. (From Railway and Locomotive Engineering).

Literary Digest. 66: 26-7. S. 18, '20. To relieve the coal shortage by stopping waste. F. S. Ushling.

Literary Digest. 66: 1617. Jl. 10, '20. Car shortage and the coal famine.

Literary Digest. 67: 9. N. 27, '20. The shipping board scandal.

Literary Digest. 67: 19. N. 20, '20. Coal operators warned to reform.

Living Age. 301:242-5. Ap. 26, '19. Nationalization. Harold Cox.

Nation. 75: 298-9. O. 16, '02. Government coal mines.

Nation's Business. N. '20. Business efficiency.

Nation's Business. 8: 11-13. D. '20. Flying the flag on a deficit. J. B. Morrow.

New Republic. 20: 171-3. S. 10, '19. The coal question in Great Britain. G. D. H. Cole.

New Republic. 22: 202-3. Ap. 14, '20. The coal award.

New Republic. 24: 289-91. N. 17, '20. A deadlock in anthracite coal. W. N. Polakov.

Digitized by Google

New Republic. 25: 154. Ja. 5, '21. Our incorrigible coal industry.
New York Times. Jl. 14, S. 3, D. 13, '20; Ja. 5, 13, 14, 19, 20, '21.
North American Review. 197: 296-311. Mr. '13. Public ownership in France. Paul Leroy-Beaulieu.
Outlook. 96: 561-2. N. 5, '10. Ownership or control. J. H. Rhodes.
Outlook. 104: 613-23. Jl. 19, '13. Popular control of national wealth. O. C. Barber.
Outlook. 126: 85. S. 13, '20. The patient public and the strikers.
Outlook (London). 44: 669-70. The coal muddle and its solution.
Review of Reviews. 60: 632. D. '19. Nationalization in England does not bring peace.
Saturday Evening Post. 193: 13. D. 4, '20. For service instead of profit. A. W. Atwood.
Survey. 42: 335-39. M. 31, '19. The British Coal Commission: the hearings and the report. Arthur Gleason.
Survey. 45: 121-3. O. 23, '20. British coal dispute. H. J. Laski.
Wall Street Journal. 76: No. 113: 1 and 3. N. 16, '20. End of government control of sugar a great relief.
World's Work. 40: 171. D. '20. Who is the coal king? Samuel Crowther.

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CHAPTER VII

REPRESENTATION OF LABOR IN THE MANAGEMENT OF INDUSTRY

GEORGE WASHINGTON UNIVERSITY

RESOLVED: *That the employees, as such, in each industrial corporation, should be permitted to elect from their own ranks members of the board of directors of the corporation, all directors to have equal rights and powers.*

These speeches were delivered by the teams representing George Washington University in a triangular debate with the University of West Virginia and Swarthmore College. The Affirmative team appeared against the representatives of the University of West Virginia at Washington, D.C., March 11, 1921 and won the debate by a vote of two to one. The Negative team appeared against a team from Swarthmore College at Swarthmore, also on March 11, and were also the winners of the debate.

This report has been compiled from a stenographic report of the George Washington-West Virginia debate, and from manuscript copies of the constructive speeches delivered by the members of George Washington's Negative team in the debate against Swarthmore. The material, including the bibliography, was furnished by Mr. Gilbert L. Hall, Coach of Debate for George Washington University.

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BRIEF

REPRESENTATION OF LABOR IN THE MANAGEMENT OF INDUSTRY

AFFIRMATIVE

INTRODUCTION:

A. In the early days confidence existed between management and labor in industry and difficulties were easily adjusted.

B. With the development of corporations, wealth has acquired great power and influence over both labor and the public.

1. Capital practically controls the welfare of the people.

C. To meet the power of capital, labor has been organized.

1. The public is in danger of being crushed between the two forces of capital and labor.

D. A principle is needed by which these two forces can be harmonized.

I. The representation of labor in the management of industry is necessary.

A. Other remedies have failed.

1. Employees welfare work, profit sharing and the shops council have not been successful, because they have not affected management.

2. Some means is necessary whereby labor and management can learn of and understand each other's needs and problems.

B. Collective bargaining is not satisfactory.

1. It depends for its effect upon the strike.

a. The strike results in great losses not only for capital and labor, but also for the public.

II. The representation of labor in the management of industry is desirable.

A. It will increase the efficiency of labor and so reduce the cost of living.

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1. To increase the efficiency of labor, its good-will must be secured.
2. Experience shows that good-will can be secured only by giving men a voice in the management of the industries in which they are engaged.

B. Profiteering will be stamped out.
1. Labor would vote for longer and more regular periods of industry.
2. Mines could not be shut down and industries stopped just to keep up prices.
3. This will stabilize industry and the market.
a. Under the present system the capitalist can ruin the farmer, stop work, exploit the public and profiteer without anything to stop him.

C. It will end industrial warfare.
1. Strikes have been avoided in industries where it has been tried.

III. The representation of labor in the management of industry is the next logical step in our industrial development.

A. Under this plan policies can be moulded that will be acceptable to both sides before they are launched into industry.
1. Both sides can contribute their knowledge and experience to the development of industrial policies.

B. It substitutes harmony and cooperation for the antagonism that is inherent in collective bargaining.

C. It demands from labor all it has to give in the way of initiative, creativeness and responsibility.
1. It is free from any suggestion of paternalism.

D. The productive capacity of labor will be utilized to the full.

E. Most industries already have some semblance of a system granting this power.
1. They are limited mostly to matters of safety, sanitation, benefit funds and other welfare activities.
2. What is needed is to give them power.

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F. Such a step would be in keeping with the development of our governmental systems.
   1. Government has developed from the monarchial to the democratic form.

G. It would give the human element in industry a chance to develop.

NEGATIVE

INTRODUCTION:

A. A few years ago capital, with tremendous advantage on its side, was fighting labor.
B. Public sentiment has forced a decided change in its attitude with the result that labor has grown in strength until today it is the most powerful organization in the country.
C. It is now making its greatest demand—that labor share in the management of corporate industry.

I. To permit labor, as such, to share in the management of corporate industry is unfair in principle.
   A. It is contrary to the principle that a man is entitled to the control of his own property.
      1. If the property were in the form of money the question would not arise.
   B. Property invested in corporate industry requires more than ordinary training, ability and good judgment.
      1. If the corporation is operated improperly correction should be made thru government legislation and not by placing control partly in the hands of the workman.

II. To place the management of corporate industry partly in the hands of labor is unwise and undesirable.
   A. Training and experience are required to manage corporate industry wisely.
      1. The working man is not often in a position to secure these necessary qualifications.
   B. The working man is not prepared in other ways to act as a director.
      1. If elected, he would be chosen for his popularity rather than for his intelligence.

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2. He could not creditably represent the interests of those who elected him because of his lack of experience.
3. He would have to vote according to the wishes of those he serves regardless of the consequences to industry as a whole.

C. The interests of labor are diametrically opposed to those of capital.
1. The more one side gets of the profits from the industry the less there is for the other side.

D. This proposed plan will not achieve industrial democracy but will increase the existing strife between capital and labor.
1. Capital and labor are at each other's throats now.
2. It would result in the withholding of capital from industry to the detriment of the public generally.

III. To place the management of corporate industry partly in the hands of labor is unnecessary.

A. There are already in operation a number of plans which have for their purpose the solution of labor troubles.
1. We have the Whitley plan, the Leach plan, works committees, and collective bargaining.
2. These plans operate successfully and are already accomplishing the very ends for which the Affirmative strive.

B. Labor works today under vastly improved conditions than those that existed a few years ago.
1. Factories are commodious, well-lighted and heated and are safe and sanitary.
2. Wages are high.
3. Labor is organized.

IV. Labor and capital are both opposed to the plan.

A. Labor leaders fear that the unions will lose their strength.

B. No capitalist has come out in favor of it.

V. The plan will not work.

A. It would result in a divided directorate, the representatives of capital and labor being constantly antagonistic to and suspicious of each other.

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B. The representatives of the workers would be liable to be ousted from employment and made ineligible as directors if they ventured to oppose the wishes of capital.

C. On the other hand, if they vote with the majority and against the workers, the workers lose what control they have.

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REPRESENTATION OF LABOR IN THE MANAGEMENT OF INDUSTRY

GEORGE WASHINGTON UNIVERSITY

AFFIRMATIVE SPEECHES IN DEBATE AGAINST THE UNIVERSITY OF WEST VIRGINIA

FIRST AFFIRMATIVE

George M. Moore, George Washington

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: In the beginning of industry, mutual confidence existed between the management and labor. When difficulties arose, they were quickly settled.

As industry developed, larger aggregations of wealth than a single individual could provide were required. In answer to this demand, with the combination of capital, the corporation sprang into existence with its millions of wealth. With wealth came power and influence until today it is a conceded fact that capitalists have become so strong and powerful that they stalk upon the political arena, dictate industrial policies to our legislatures, wages to the laborers and prices to the consuming public.

Moreover, they have sent out their tentacles and permeated every stratum of our national life and have gotten control of practically all the wealth of the nation. If this continues it will lead direct to industrial autocracy.

It is equally to be deplored that there is another opposite and powerful industrial force—organized labor. Capital with its nefarious and sharp practices was crushing labor, and the labor forces had to organize in self defense. Their power was little noticeable at first, but today the American Federation of Labor alone has a membership of more than five million of men; and with the moral support of ten million workers the time is rapidly coming, Honorable Judges, when it will be im-

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possible for a man who is not a member of the American Federation of Labor to secure employment.

So we have these two mighty forces, revolving in opposite directions, as it were, with the consuming public, between them being crushed out of existence. So we, have this industrial question before us. It is the question of today. What shall we do? Our answer is the Affirmative side of this question: "Resolved: that the employees, as such in each industrial corporation should be permitted to elect from their own ranks, members of the board of directors of the corporation, all directors to have equal rights and powers."

We are faced with an industrial crisis, which shocks our mental attitudes into realizing the uselessness of the old method and its relationship.

This question does not concede all to labor, neither does it grant all the demands of capital, but its purport advances a principle by which these two forces can be harmonized so that our civilization may continue.

If employees conceded all of the demands of capital, there would be industrial autocracy. If capital yields all to labor, it will lead to socialism. Neither of these forces are more important than the other, for labor cannot go beyond a primitive existence without the aid of capital. Nor can capital turn a single spindle, or a single wheel, without the aid of labor; but with these two forces working together in harmony with a co-operative spirit, backed by the good-will of the great consuming public, wealth is created and even greater productivity is made possible.

There is no issue relating to the foundation upon which industry is builded because industry is bigger than any of the elements of its modern making. But the insistent call of the world today, Honorable Judges, is for labor and capital and management to reach an understanding. How is this understanding to be brought about? The answer is not questionable or doubtful, it is absolutely clear and unmistakable. Many plans have been tried, such as employees welfare work, profit sharing, and shops council; but all of these have failed. These were steps in the right direction, but have fallen short of their purpose because they did not have the power to reach the management.

What the crying need today is, is for labor through its own

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representative power to lay before the management its difficulties, its convictions and the aspirations of the millions of wage-earners, and for the wage-earners to understand management's problems, perplexities and obligations.

Collective bargaining has been tried, but it has fallen short because it is backed by that crude and barbarous weapon, the strike. The strike will never bring better or more friendly relations between capital and labor. It results in a loss and often times the loss of years gain is swallowed up in the loss of a single strike.

Notwithstanding, all of the plans that have been tried, we must not forget the fact that in 1916 there were more than a thousand strikes; in 1918 there were nineteen hundred; in 1919, there were more than twenty-two hundred; still in 1920 there were twenty-seven hundred strikes and lockouts in this country. In the Good Year of Our Lord, 1919, the loss resulting from strikes and lockouts to labor was $750,000,000, the loss of capital sustained was $1,000,250,000, making a total loss, Honorable Judges, nearly $2,000,000,000.

This vast loss was warmed under the sunshine of special privileges, fertilized by the perspiration of honest toil, bathed in the tears of poverty and passed out to the great consuming public to pay, who had no share in its making.

Shall we again emerge into a time of such unrest and consequent waste, or shall we let capital and labor work through the management organized to give each side a fair hearing and to decide the problems presented, on their merits.

There is no way by which labor can reach the management of industry through the present system and present its problems. If I could draw for you a concrete picture, we would have over here on one side all of capital, and over on this side all of labor as it stands today.

Now, then how does labor reach capital? There is only one channel through which labor can reach capital and that is through collective bargaining. How do they do it? Why they send men, selected men, from labor forces over to the management and say we want certain and certain things and all the time, Honorable Judges, they hold that barbarous and crude weapon, the strike, over management's heads and say, "If you don't give us this, we will strike, or quit work."

Now, then, what is our plan? Our plan submits all the

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difficulties arising between management and labor to a council in which there will be representatives of employer and employees, and the questions will be settled in this council, around the conference table. In the wise words of Warren G. Harding, which he uses in his inaugural address, "I had rather submit our industrial difficulties to a conference table before than to a settlement table after conflict and suffering."

SECOND AFFIRMATIVE

W. Irving Cleveland, George Washington

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: Our friend from West Virginia has attempted to persuade you that labor does not want democracy in industry. We of the Affirmative will admit that some of the labor leaders do not want to have labor share in the management of corporate industry, but this is due to the fact that these labor leaders depend for their very existence upon the labor unions. They see in the works committees, the shops councils, and the democratized board of directors a rival of the trade unions and for their self preservation they oppose them. But the real workers, the toilers, not only favor industrial democracy, but they demand it.

It was pointed out to you a few minutes ago by the first Affirmative speaker, that during the year 1919 alone, more than $2,000,000,000 worth of damage and loss resulted to industry as a result of strikes and lockouts, to say nothing of the lives which were sacrificed, and we ask the question, "Who had to pay that bill?" The answer is known to you all, the consuming public. Today, the consuming public demands that industrial warfare cease, and we present for your consideration tonight a plan to end it. We are not concerned with the attitude of the so-called labor leaders, nor are we alarmed at the attitude of the greedy capitalist, but we are vitally concerned with the attitude of the consuming public, and in their name, and on their behalf, we make our plea.

Honorable Judges, let us look at this question for a moment from an economic standpoint. We of the Affirmative maintain first, that the plan we propose will reduce the high cost of living by increasing the efficiency of labor, in the second place that

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it will stamp out profiteering, and in the third place, will end industrial warfare.

At the present time, wages in the United States are 210 per cent higher than they were in 1914, while, the efficiency of labor is only 60 per cent of what it was in 1914. That means that the cost of production today is 350 per cent greater than it was before the war. The way to lower the prices, is to increase the efficiency of labor which is only 60 per cent of what it was before the war. That this can be done, was demonstrated by the 20 per cent increase of productive output during the war. But in order to secure this result, you must have the good-will of labor, and the laborers' good-will can only be obtained by giving the workingman a voice in the management of industry. Royal Meeker, former commissioner of labor statistics of the United States Labor Department, says, "Before abandoning ourselves completely to pessimism and despair, we should at least try the experiment of giving the workers a real voice and responsibility in management. . . Let them know all about the business except only those technical processes which must be kept secret, take them into a real partnership, and production will be enormously improved, both in quantity and quality." Professor John R. Commons, the great economist from the University of Wisconsin, has pointed out how one industry, the Packard Piano Co., has brought about this result through democracy in industry. In this firm the plan was tried, and while formerly during a period of three months, an average of two hundred forty-two employees working ten hours a day turned out seven hundred forty-six pianos, under the new system, during the corresponding months, two hundred thirty-five employees working eight hours a day turned out eleven hundred pianos, an increase of 86 per cent in the efficiency of the labor, due entirely as he points out to the increase in efficiency and the economic output of the workers. Professor Commons has proved our contention exactly, namely, that industrial democracy increases the efficiency and thereby lowers the cost of production.

In the second place, we claim that if we allow labor representatives on the board of directors, profiteering will be stamped out. Let us take a specific case: the coal mines of the United States. At the present time, they are only working an average of one hundred seventy-five days in the year out of more

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than three hundred working days. During the rest of the year, the owners of the coal mines shut them down. They shut down the coal mines in the summer when there is no great demand for the coal so that in the winter when the demand is great, there will be a shortage and the price will soar skyward. Now if the miners had a representative on the board of directors, they would vote to run the mines summer and winter, and they would thereby decrease the cost of mining the coal and the public would be able to purchase their coal at an enormous reduction in price. This would be brought about incidentally by the miners working three hundred instead of one hundred seventy-five days in the year. During these idle months, this 40 per cent of the time, when the miners are idle, they could be producing a surplus of coal which would be sufficient to keep the price down when the increased demand in winter came.

Statistics show, that during the war, when the young men of the country were sacrificing everything on their country's altar, when we were all subscribing for Liberty Bonds, three hundred coal mining companies were profiteering. Statistics taken from the report of the Secretary of the Treasury show that some of these companies made 100 per cent profit; some of them 500 per cent profit; some of them 1000 per cent profit; and some of them 1500 per cent profit. These statistics show, that one of these companies made sufficient profits in one year's time, to retire its capital stock twenty-five times. That was one of the most brazen, one of the most impudent, and one of the most insolent attempts that has ever been made in the history of our country to make the American people the bond slaves of predatory wealth. Now as soon as you give labor representation on the boards of directors, this despicable profiteering will be stamped out. They would probably be able to bring these results about through their votes on the board of directors, but if that were unsuccessful, they could publish the facts, and the scorching reproach of public sentiment would be so hot, that no corporation would dare to continue such infamy. And, Ladies and Gentlemen, not only is this true as regards the coal companies, but it would operate against every industry that is controlled by the capitalists.

Now, Honorable Judges, look at the packing industry. What we say as regards the coal miners, is true of the packers. The

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packers hold their products in cold storage until the demand is so great that they can dictate prices. They can refuse to buy the farmer's cattle until the farmer is obliged to sell perhaps at a loss.

By the plan we advocate, labor through its representatives on the board of directors will not vote itself out of a job, by voting to stop production, but will vote to continue production without any fluctuation of products or prices. This will stabilize industry, and the market. For instance at certain rush seasons, there is a scarcity of products brought about by this very manipulation on the part of the manufacturer such as sugar at the canning season, clothing at Easter time and coal in winter. This storage will be done away with, because by our plan, the employers will be compelled to put the products on the market and sell them at a reasonable price. Under the present system, the capitalists can ruin the farmer, exploit the public, and profiteer at will without anything to stop them. The plan which we advocate, will gain the good-will of the laborer, increase the volume of business of the employer or capitalist, and lower the prices to the consumer.

Honorable Judges, the plan which we advocate tonight, is actually being tried. It has been in operation for at least thirty-eight years in some industries, and it is working with phenominal success. I want to point out at least four concrete examples of the results of this plan. It was put into effect at the Bleachery and Dye Works at Wappingers Falls where the board of directors is composed of five members, three representing capital, one representing the public, and one representing labor. The output of this plant has been increased, the efficiency has been raised, and strikes are unknown.

Now let us take another instance, the General Ice Delivery Plant of Detroit, Michigan which has given the labor representatives over half of the power of the board of directors. There are fifteen members on the board of directors, of that enormous company, handling 65 per cent of all the ice of the great city of Detroit and the laborers elect eight of the fifteen members from their own ranks. This case is significant because they have never had a strike there since the plan was adopted, and it is working with wonderful success.

Let us look at the Proctor and Gamble Soap Co. There is a $140,000,000 corporation and the employees have three mem-

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bers on the board of directors. The president of this corporation indorses the plan stating that whatever the possible weakness may be, it promotes better relations and closer understanding between capital and labor. That is the situation with this $140,000,000 corporation where the employees own over $7,000,000 worth of the stock. They haven't had a strike in that plant during the last thirty-eight years and it is because they have learned how to cooperate between capital and labor through the operation of the very plan which we are advocating tonight.

We have another illustration taken from the Filene Department Store of Boston, Mass., one of the greatest department stores in the country. What do we find there? Since 1912 the workers of this concern have had representation on the board of directors. No greater tribute to the value and worth of the plan which we advocate tonight could be found than the statement of the man who stands at the head of this great corporation. Mr. Filene states, "In our own case experience has proved, that the recognition of this right has made happier, more efficient, and more reasonable workers." Adequate employee representation has gone far to make strikes and lockouts impossible, to stabilize industry, and to secure maximum production. In addition it will add to the self respect and sense of individual responsibility of the workingman, it will give him a stake in the business that employs him, and finally it will decrease labor turnover.

Since, as has been proved, industrial democracy will lower prices to the consumer, stamp out profiteering, and end industrial warfare thereby benefiting not only capital and labor but most of all the great consuming public, we of the Affirmative maintain that the highest consideration of justice and good judgment demands its adoption.

THIRD AFFIRMATIVE

D. Malcolm Hodge, George Washington

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: If I had come into this room in the middle of the argument just made by the gentleman from West Virginia, I would have believed that the topic under discussion this evening was

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whether we can establish this new system of industrial management in an hour; whether it can be put into effect in every industry in the United States by tomorrow morning. That is not the question, Honorable Judges. The question is, Shall the plan be established? If the plan shall be established,—if it is a good one—then it makes no difference whether it would be capable of installation tomorrow, or whether it would take seven months to plan the machinery.

Let me call it to your attention that the gentlemen of the Negative have admitted that the plan will work; they have admitted that it works well in the four instances cited by my colleague. The question then, is only one of expansion. I ask them, Ladies and Gentlemen, if the plan is successfully working in four large corporations, what is there so fundamentally different in the structure of the rest of our economic units, that will bar the success of this fundamentally sound economic principle?

Now, in continuing the Affirmative contention that labor, as such, should be represented on the boards of directors of our industrial corporations, we have shown the deplorable conditions resulting from the widening gap between the two armed forces of capital and labor, and the irretrievable damage done by their weapons, the strike and the lockout. We have shown that the proposed system will tend to alleviate conditions, and that the system is right in principle. The different industries throughout the country are gradually trying out the principle of labor representation, and the gentlemen of the Negative have condoned its success. We have shown that the proposed plan is practical, economically sound and for the best interests of capital, labor, the public and the corporation.

It will be my purpose to analyze the different systems of corporate control, point out their defects and show where the several phases of our proposed plan will fill these gaps; thus making the establishment of the system the next logical step in our industrial development.

We have given the trial of a hundred years to the autocratic rule of capital; and we have seen the disastrous results of the organized hostility of labor. With the former, we had low wages, poor working conditions, big profits; with the latter we found exorbitant demands for wages, utter disregard for the

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rights of the consumer, failure of capital to invest because of meagre returns. Both systems have been weighed in the scales of human experience, and found wanting.

And why have they failed? Because there was evident the spirit of organized hostility, striving for balance of power; each side distrustful of the other, always alert for the opportunity of advantage. Just as a chain is no stronger than its weakest link, so any economic system is no stronger than its greatest defect. Now, the proposed system in its essence means cooperation and trust in each other. We get labor, and we get capital—the two forces concerned—to bring their differences and settle them around a conference table. Here they bring their demands, their plans; and work out together a system of moulding economic policies, so that they will be acceptable to both sides before they are launched forth into the industry. Under the present system, economic policies are moulded by the capitalists and launched forth to take their chance of being acceptable to labor. And for this great test, which may result in a strike or lockout, the public—you and I, Ladies and Gentlemen,—pay the bill. Is it fair, I ask you, Honorable Judges? Is it not the next logical step to supplant this weak system of chance, by an alternatively strong assurance of success, as embodied in our plan?

For we offer you a plan which will bring labor and capital together on the board of directors, where they will have this opportunity, this privilege to do their duty—for it is a duty which both capital and labor owe to the public. Both parties contribute their inherent knowledge and understanding of the economic problems presented for solution and can thus mould policies of industrial management which will be acceptable to all concerned. Here the public will be benefitted; for both forces will be working harmoniously and peacefully for the best interest of the corporation.

The leaders of both capital and labor have recognized the need of some movement along this line, and many plans have been tried; all of which have fallen short of the solution mainly because any representation that has been given to labor has been absolutely void of authority.

The only system which has any power behind it is collective bargaining. This plan presupposes organized capital on one side and organized labor on the other, holding the weapon of

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the strike and lockout over each other's heads and trying to come to some agreement as to wages, hours, working conditions and the like. Any cooperation that exists is antagonistic cooperation. Under this system a condition of unrest and instability is allowed to arise, and then the stronger force gloats over the concessions obtained from the weaker and seeming tranquility exists until the next crisis. And all this time, the consuming public suffers. But under our system, mutual cooperation is instilled at the very beginning; both sides work for the common good, and the conditions which bring about the crisis are not capable of existing.

Other plans, as bonuses, profit sharing, and welfare work, are all attempts to interest the worker in the industry; but they do not satisfy. He feels that he is dependent upon capital; that it is charity being bestowed upon him. The critical situations are still at hand. All these methods are paternalism, and at best act only as stimulants, affording no real basis for the workers to interest themselves in the industry as a whole. The workers keenly realize that the solution depends on their opportunity for education and a chance to exercise their inherent tendencies to create, initiate action, accept responsibility and excel—in fact do everything that brings their faculties as human beings into play.

If the full productive capacity of labor which is being withheld from society under present conditions is ever to be released, labor must participate in the active management of the industry.

Industrial control, in its evolution, has reached the stage where in every industry in the United States today they have some semblence of a system granting this power. We have the shop committees, works councils, advisory chambers, and what not. They are steps in the right direction: where these plans fall short is in lack of power to enforce their recommendations. The workers are permitted only to participate in managing under safeguards and direction or at least suggestion from above, matters of safety, sanitation, benefit funds, and other welfare activities. They are ameliorating solaces, handed from above and can be easily withdrawn. They are like the Czar's duma or the King's early idea of the English Parliament. Labor must still resort to the strike for enforcement.

What we must do, Honorable Judges, is to take the next

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logical step, and give them power! Allow labor, as such, to elect its representatives who will be placed on the board of directors with power to help mould the policies of management so that they will be acceptable and fitting to the needs of the working man.

The principle is not new; it runs parallel with the development of our governmental systems. The systems of government analagous to those of corporate management have all been tried. Just as the autocratic rule of kings has decayed, so the autocratic rule of capital has fallen. In government the people were allowed to meet in advisory bodies and pass legislation peculiarly affecting their everyday life, leaving the great problems of state and national policies to the king. So in industry, we have our works councils with their advisory powers. And just as in government the popular legislative bodies were given power to act in the bigger problems, so in industry, we must take the next logical step and give labor a voice in the management of our corporations. Our plan consists in merely applying to the industry, little by little, the fundamental principles of democracy.

We do not want to create for a moment the idea that we want capital to give something to labor. It is not that! We want both capital and labor to give something to the public. Capital, labor and the public are all depending on industry for their livelihood and consequently have a vital and dominating interest in the successful conduct of the industry. As my colleague has shown, labor has something which the industry needs for its best and most productive management and it is labor's right and duty to make this contribution.

And if the element of labor is so vital and so necessary to the well-working of a system, I ask you, Honorable Judges, is it not the logical thing to place this element in the position where it will do the most good?

We must give the human element of industry an opportunity to develop. In the old days, when the stone cutter took his chisel and hammer and fashioned out some work of art, he could use his creative brain, and gratify his genius. When the printer set up his type and ran off his newspaper, he could say there was a creation of his own hands. But then capital gradually began to produce all sorts of automatic machines. They have made the workman simply a part of that machinery—a cog in the wheel. The stone-cutting machine, linotype machine,

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and the like have robbed the artisan of the opportunity to develop his skill. Any kind of work under these conditions grows monotonous, and the workmen lose interest in the work; then naturally they decide they want to go some place else. They may not be able to better their conditions on account of the change, but at least they will have a change of environment to break the monotony. That is one of the reasons why we have such a heavy turnover of labor.

The gentlemen from West Virginia have tried to put all of the fault of this great turnover upon our system, and say that our plan will but amplify the existing defects in the economic system; but all of these defects are attendant upon the present system, and will be remedied by the abolishment of the system now in operation, and the adoption of our plan. Look at all of the successful men in industry. The story of all of them is that they are workmen who became dissatisfied with their conditions, and longed for an outlet for that great genius which was within them, and the desire has resulted in our great industrial development—all due, Ladies and Gentlemen, to the gratification of that human element which is found in our industry. The great men in our country have risen to the position of capitalists from labor's ranks through their own efforts—through their genius.

Now, let me tell you, Honorable Judges, Ladies and Gentlemen, if we ever hope to develop American industry to the zenith of perfection and efficiency we must give the workmen an opportunity to get above the monotony of being a machine.

What we must do, Honorable Judges, is to take the next logical step—establish our proposed plan. So far as the steps which have been taken, they are very good, but they do not go far enough. We must give the labor representative power. All authority they have been given so far is simply in an advisory capacity; with no power of enforcement. Capitalists have said, "We will take your advice if we want it, if we do not, we will take our own." And under that system, we can never bring about the industrial stability which we are striving for.

Capitalists under the present system determine the policies which personally affect the workers as well as themselves. Labor has justly tired of this, they want authority and responsibility, and they ought to have it. The worker is not only

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contributing his labor, but he is giving a human life as against the dollars that the capitalists invest, and the workers must be given a chance to let their genius develop and run to its ultimate conclusion.

And, Honorable Judges, if in governmental control and development we give these laborers power and they have exercised it well, likewise we must take the next logical step, which is absolutely analogous and give the workers a right to elect their representatives upon the boards of directors who shall have equal powers and authority. They should be enabled to help mold the policies of economic control which so vitally affect their welfare. We are not saying that we should take the control away from capital and give it to labor. We do not say that they should have a majority upon the boards of directors. The representatives will not dictate what shall be done; but they can make their recommendations to the board of directors and if the board does not want to do the proper thing the labor-director can report back to the workers, and they can take it before the public, and public opinion will settle it—public opinion, that great adjuster of all grievances, will bring weight to bear upon the side that is in the right.

FIRST AFFIRMATIVE REBUTTAL

George M. Moore, George Washington

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The speaker who has just left the floor is rather ancient. I do not care to discuss this evening the labor problems of China three thousand years ago. Neither do I care to discuss the relations existing between the men at the last supper. The gentlemen will find that at Sunday school.

Now, the question that we are discussing this evening is the only argument that we can consider. This question presents itself in the form of a problem and an industrial problem of this nation. They argue to you that the conditions are not ripe for such a change and we argue to you that the conditions are and they admit that the conditions are abnormal, and still they want no remedy.

Now, the conditions are getting back to normal, they say. And, I want to say that you probably saw in the evening paper

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that the railroad question is becoming a crisis and a national crisis—and by the way, I want to submit to you, Honorable Judges, that in yesterday's Times there was a plan submitted that was the same identical thing. Under this plan the management is to be represented by labor and by capital, and it goes one step further and gives the community a representation.

One of the opponents says that there were three hundred nineteen strikes less in 1919 than there were in 1916. The gentleman seems to have all the facts this evening. I notice that the facts as related to the matter, and the dog and the cat facts, are similar facts; but this is a quotation from Fred W. Parsons, a well known industrial writer, and he says that in 1917—I am reading now from a printed page—that in 1917 there were seventeen hundred strikes; in 1918 there were nineteen hundred strikes; in 1919 there were more than twenty-two hundred. In 1916 there were more than one thousand, while in 1919, twenty-two hundred.

I will leave to you to determine for yourselves as to whether that is more or less strikes than they had in 1916. Now then, they say that we must show that this plan will work tomorrow. Suppose that the Revolutionary fathers in 1776, when they declared their independence in the Articles of Confederation, and the plan of the constitution was worked out from the Articles of Confederation, in the constitutional convention, suppose that those men had said that you must show us that it will work tomorrow.

You have heard the subject, the argument upon this question, Ladies and Gentlemen. This is a principle.

We thought that we stated that clearly in the first part of our argument, that this is a principle and that we have a principle here for discussion this evening, by which these two great and powerful forces, organized labor and management, or capital may reach an understanding. If the principle is sound, plans for its application can be worked out later.

I notice that they quote from Mr. Hoover. Mr. Hoover is a splendid man, and the speaker on the Negative says that Mr. Hoover says that it cannot work.

I quote to you from his chief, Warren G. Harding, President of the United States.

Warren G. Harding said that he had rather submit to a conference table our industrial troubles before, than to a settle-

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ment table afterwards. W. W. Atterbury, the Vice-President of the Pennsylvania Railroad says that the management of the railroads should give labor a share in the management of corporate industry. There is another quotation, if you care to take it.

Now then, they point out John D. Rockefeller of the great Standard Oil Company, and he says that we must show that it will work in the Standard Oil Company. The Standard Oil Company is pretty big, but John D. Rockefeller, Jr., as you remember, has in effect a system that he worked out himself that gives this identical thing, with the exception of the right of the managers to vote, in the Colorado Iron & Fuel Works. Now, I think that that is big enough. John D. Rockefeller is the Standard Oil Company, or owns the principal shares of stock in the Standard Oil Company, and if he can work it out himself for the Colorado Fuel & Iron Works, then he can work it out in the Standard Oil Company.

SECOND AFFIRMATIVE REBUTTAL

W. Irving Cleveland, George Washington

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: Our friends from West Virginia have been asking a number of questions about how this plan is going to work out in one respect or another. These questions are insignificant and are propounded for the purpose of diverting our attention from the real arguments for or against the question under discussion, and therefore deserve no attention until the few arguments which they have presented are answered.

The gentlemen of the Negative claim that our plan will not work, first because complex industries are scattered all over the world, and one board of directors in New York couldn't supervise the work in South America. Our answer is this: under present conditions, these great industries are run by one board of directors, and the only difference under our plan will be that among the members of that board of directors will be men selected by the workmen of that industry.

Our friends claim in the second place, that our plan will not solve the question because industry will not accept it. Ladies and Gentlemen, it was pointed out earlier in the debate that

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the only element of industry that would not accept this plan is the labor leader element, and that as far as the toilers were concerned, they demanded the remedy which we propose. We are not concerned therefore with this argument because it is made in behalf of men who ride around in luxury and ease and who would hate to give up their fat salaries and go back to work in the shops.

Our friends have claimed in the third place, that conditions today are abnormal, but that they are improving, and therefore we do not need the relief proposed. If the Gentlemen will but note the reports in the newspapers of the last two days, telling of the garment workers strike in New York and the threatened strikes in the packing industry and the railroads, they will be compelled to admit the fallacy of their argument. These are the same conditions arising again which caused the loss of $2,000,000,000 worth of money and property in 1919 and resulted in untold, needless bloodshed, and yet our friends contend that conditions are improving and we do not need a change.

Honorable Judges, the fourth argument proposed by the gentlemen from West Virginia is that labor is incompetent to sit upon the board of directors because it would have to understand questions of high finance, foreign exchange, etc. This argument was rebutted by the third Negative speaker himself when he told of the number of capitalists who had risen from the ranks of the workingmen. We claim that the capitalists do not have a monopoly of brains, that because one man is born with a silver spoon in his mouth while another sees the first light of day in the slums does not endow the one with great mental capacity and leave the other mentally incapacitated. The true test comes with opportunity and if the laboring man is given an opportunity to do big things, he will measure up just as often as the rich man's petted son.

The fifth argument advanced by our opponents was that this plan gives one man control of another's property when he doesn't possess it. This argument is offered, Honorable Judges, because the Negative entertain a misconception of our contention. We merely claim that since labor gets 85 per cent of all the fruits of industry while capital merely gets 15 per cent that labor is entitled to a voice, not a right to dictate, but merely a voice in the management of industry. Society is readjusting itself to the point where it is beginning to place the value of

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its citizens above the value of the money owned by capitalists, and the time has arrived when legislation is being enacted for society and its welfare, rather than merely for the furtherance of the interests of predatory wealth.

The last argument of importance advanced by our opponents is that with the foreign element in industry, an intelligent electorate would be impossible. We answer this argument in two ways, first just as our government regulates voting by restrictions and tests, so can it be done in industry. In the second place this question has been successfully met where the plan has been tried.

Now, Honorable Judges, this last thought in an answer to any argument our friends can advance, namely, that the plan we advocate has been in operation for thirty-eight years, it has made strikes and lockouts impossible, and will if generally adopted, put an end forever to industrial warfare, and be an everlasting benefit to society as a whole.

THIRD AFFIRMATIVE REBUTTAL

D. Malcolm Hodge, George Washington

MR. CHAIRMAN, LADIES AND GENTLEMEN: The gentlemen from West Virginia, in this discussion, have assumed the role of doctor and have tried to diagnose the present industrial ill, and show that our proposed plan is not the proper medicine; but, after listening to their treatment, we have come to the conclusion that they must belong to the osteopathic school. For they have considered the case only externally, and have failed to analyze the situation to the depth required for a thorough understanding.

The gentlemen have deemed it advisable to rest their case upon the statement of their main arguments. They have utilized the remaining time in reiterating these contentions, asking questions, and reciting adages and ancient history. They have tried to make our proposed plan grow to the proportions of a ferocious bugaboo, which, if established, will upset the entire industrial system. They have propounded numerous situations, which they claim our plan must remedy, or else it should not be established.

Now, we do not contend that the proposed change will be

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the panacea for all industrial ills; but what we do contend, Honorable Judges, is that it will remedy the underlying defects, which cause the present labor unrest. It will supplant organized hostility with friendly cooperation. It will make satisfied workmen and stabilize the present industrial situation.

The gentlemen have given in to our contentions, inch by inch, taking refuge behind their next succeeding barrier. They first claimed that the plan would not work; but when my colleague produced facts to show that the plan is working successfully in four large representative corporations, the gentlemen backed-water, and admitted that it is working successfully there; but now claim that we must show that it will work successfully in every corporation in the United States.

Now, to do this specifically, would entail going down the list of industries incorporated under the laws of the several states, and pointing out exactly how our plan will work in each one. This would be an almost insurmountable task, and we do not believe it is requisite to the success of our contention.

Honorable Judges, we believe that if we have shown tonight that the principle, as set forth, has worked and will work in the average corporation, formed with the usual component parts, as we understand them; then we have gone far enough in showing that the plan will work. It is not necessary to fit it to all corporate freaks.

The gentlemen have challenged us to show them how we can put representatives on the boards of directors of railroads, shipyards and companies like the Standard Oil Company—pointing out, as the difficulty, that the several units making up the corporation, are distributed over the entire country and some in foreign fields. Their lack of vision has made it impossible to grasp so large a situation. But the answer is very obvious.

Each of these corporations, no matter how large or how diversely situated, is managed by one board of directors, usually twelve men. Each policy of management that is launched forth, affects the entire industry. These men seem to be capable of visualizing financial problems of great dimensions. And if this is possible, if the corporation, no matter how immense, is capable of being managed by one board of twelve men, how can the gentlemen possibly say that a portion of these directors could not represent labor, and bring their inherent knowledge

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and understanding of labor conditions to influence the moulding of economic policies. If one man is able to visualize the trade conditions of a country, surely another can cope with the labor situation and its needs.

Then, says the Negative, admitting it will work, if established, it cannot be installed because labor will not accept it. And on what grounds do they base this contention? Simply on the fact that certain labor leaders have declared their opposition. We contend, Honorable Judges, that this is not an accurate indication. The corporations cited where the plan is working, involve thousands of workers and they have accepted it. In England, Germany, Italy, where the plan is being introduced, labor leaders at first opposed, but are now heartily supporting the expansion of the system. It is the sign of the times, Ladies and Gentlemen,—progress!

In conclusion, Honorable Judges, let us pause and make a hasty comparative survey of the arraignment of arguments on either side. The Negative has admitted that labor conditions are in a precarious situation, but claim that this is due to the war and will be remedied by a return of peace conditions; but we have shown that the same conditions existed long before 1914 and have, if anything, been relieved by strained war conditions. The Negative has, at first, claimed that our plan will not work; but later admitted that it has worked where tried but will not work in all industries; while we have shown it has worked, is working and will work in the average corporation and, since they have offered no proof tending to show the cases we cite are not the average, but are exceptions, the Affirmative is willing to rest its case on this point. Finally, the Negative has taken refuge behind the barrier that labor will not take the medicine; but we claim that they have taken it where tried, and that the opposition of a few labor leaders is therefore not a conclusive indication of labor's attitude.

On the other hand, the Affirmative has shown first, that labor conditions require an immediate remedy, which has been admitted by the Negative; secondly, that the proposed plan has worked in several representative corporations to the best interests of the corporation, capital, labor and the public,—all of which has been admitted by the Negative; and thirdly that the establishment of the proposed plan is the next logical step in our industrial development, which the Negative has at-

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tempted to refute by adages, ridiculous humor and ancient history.

We must heed the sign of the times, Ladies and Gentlemen, —progress! The gentlemen from West Virginia are shackled to the old order, but must give way to the new.

Negative Speeches in Debate against Swarthmore College

FIRST NEGATIVE

Leslie Jackson, George Washington

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The question in this debate is "Resolved: that labor should share in the management of corporate industry." Management as used in this question is capable of but one interpretation; it can mean but one thing, and that is CONTROL. The working men do not want a mere advisory board; they want a controlling power, the right to help control and direct the industry. And this question comprehends nothing short of this interpretation.

A few years ago capital was an unworthy member of society. It was looked upon with suspicion and dislike. Then, with a tremendous advantage capital was fighting labor. Public sentiment, that great champion of justice, opposed to the unjust way and the inhumane manner with which capital fought labor became labor's protector. Under such protection labor began to enjoy many advantages, such as shorter working hours, higher wages, increased pay for over-time work, and sanitary working conditions. This industrial evolution was nation wide. The legislative branches of the State and the Nation gave their attention to it. Here were many laws enacted for the betterment of labor, such as the child welfare laws, laws requiring sanitary working conditions, laws requiring the installation of modern safety devices, etc.

Meanwhile capital realizing its mistake turned and began to befriend the one it had injured. It passed regulations for labor's good far more demanding upon itself than the ones required by law. It began to prepare suitable and sanitary working quarters, means for amusement and recreation. Free schools were established and education in general encouraged. Insurance policies at a very low rate of interest were offered.

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While all of this was going on labor was growing in power. Its growth has been phenomenal. Today labor represents the most powerful organization in this country. And this mighty force is at the present time making an attempt to combine its strength with the labor power of England and the rest of Europe. The demands and the victories of labor have been many, and the public has generally supported them. Now labor makes what is unquestionably its greatest demand. viz.—"That labor should share in the management of corporate industry." This would give labor an unfair advantage over capital.

A man should be entitled to control, within the limits of the law, his property. The long life and the universal application of the principle that a man is entitled to control his property are the surest tests of the soundness of this doctrine.

If the property is in the form of money, the question would never arise. It is too obviously wrong. No one, least of all the workman who by his years of industry and frugality has laid aside some of his earnings until he has amassed a small fortune, is going to argue that this money should be placed in the hands of another for its control. But, when this money is invested, when idle money has become patriotic, patriotic because it develops the country, bringing business, prosperity, and advancement, then the question of depriving the owner of its control for the first time arises. But here more so than if the money were not invested should the control of it remain in the hands of the owner. For if it were simply a question of being trustee of the money it could be safely put in some strong national bank. But caring for it after it is invested in a large manufacturing concern requires more than an ordinary amount of training, ability, and good judgment. If a corporate industry is improperly operated the correction should be made through the state legislature or through Congress, and not by placing the control of the industry, in part or in whole, in the hands of the workmen.

The second reason why the workmen should not be given a share in the control of the industry is that the body of directors should be composed of men who are well trained and have had much experience. This fact is quite apparent when you stop to consider the big and grave questions of industry

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and finance that confront the board of directors. They must understand foreign commerce as well as domestic commerce; know when to buy on a fluctuating market and when to sell; how to create a demand for their products; how to steer through financial strains and depressed markets; how to increase their credit and inspire the confidence of bankers. These as well as many such questions must be understood and solved if the industry is to be successful. While it is true that one director might be the legal, and another the financial advisor, even so, each director must have a good, general understanding of the work of the others, in order that they may act in unison and to the advantage of the industry.

The working man is unprepared to act as a director. If he were to become a director, he would be elevated to this position of importance by some system of balloting whereby the most popular, rather than the most efficient, would be chosen. This man could not vote with a sufficient degree of intelligence upon the vital questions of finance and policy that confront the industry. Because of his lack of training he would not creditably represent the interest of those who made him a director. In reality he would defeat, not promote, their interest. And even though you should occasionally find a man from among the working class with sufficient vision and capacity to serve as a director he would still feel that compelling and insistent desire to vote the wishes of those whom he represents, regardless of the consequences to industry as a whole.

Lastly—labor should not share in the control of corporate industry for its interests are diametrically opposed to the interest of capital. Capital is invested for profits and returns. For these same profits and returns labor is working. The more of these profits one gets, the less does the other get. In this respect there can be no denial of the opposing interests. And thus, it would be against good reason, against the policy of right and wrong to place these profits under the control of labor. It would be unfair to capital and do violence to the cardinal rule of property rights to require capital to relinquish in whole or in part, the control of its property to those who are not only unqualified to control, but whose interests are adverse.

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The fair and equitable way to remedy the present industrial upheaval, the way that would insure justice to labor, to capital, and to the public requires no such drastic step as is here proposed as will be pointed out by my colleague.

SECOND NEGATIVE

Stanton Fitzgerrell, George Washington

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: The gentleman who has just spoken in favor of this proposition has dwelt a great deal upon the evils existing under our industrial system as constituted at present. He has spoken at length of the struggle between labor and capital and has seemed to imply that because the present system has its evils that the new plan proposed will remedy them. We grant the evils exist, but if the proposed plan should be adopted, the evils which he speaks of would still exist and in an aggravated form with far reaching disastrous consequences. Now let us examine this proposed change for our industry. We are just as eager for advancement and reform as are the gentlemen of the Affirmative, but we believe the proposed scheme would be extremely harmful if adopted. Briefly, the plan is to allow the distribution and ownership of our industries to stand as it is at present, but to take a part of the management away from the owners and place it in the hands of the employee, or laborer. Notice that there is to be no change in the distribution or ownership of the industries. They are to be constituted exactly as they are at present, but the man who owns the industry is to be divested of a part of his control over his property and this part of the management is to be placed in the laborer. The proposition is this: that labor, as such, that is as labor, has a right to share in industrial management.

The objections to such a scheme are obvious and we cannot afford to suffer the consequences which would follow adoption of this scheme. First, it would violate a fundamental right of property which is as old as the law itself, that is: that a man has a right to control and use his own property for his own benefit so long as it does not injure the public good. The man who uses and controls property does so by virtue of his

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ownership for which he has toiled and labored, and it is manifestly unjust to deprive him of this right and place it in the hands of others. The true Industrial Democracy, Mr. Carnegie has suggested, is one in which labor owns a part or all of the industry and shares its control by virtue of ownership. But industrial democracy would not be achieved under this new proposed nostrum of sharing management without sharing ownership. This proposed scheme would be another cause of strife at a time when we need industrial peace and cooperation. Capital and labor are at each other's throats now. It is a struggle for supremacy under our system as it is organized. The preamble to the constitution of American Federation of Labor states that a struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and labor. This is indicative of labor's attitude against capital. On the other hand there are many instances in which labor has been oppressed and the capitalist has not dealt fairly with the laboring man. The bitterness of the struggle is shown by the fact that during the first six months of the war there were over two thousand strikes in the United States and this was at a time when our men were in the trenches and urgently needing the products of our manufacturies. Hostility has been bitter. There have been riots and bloodshed and destruction of lives and property. We have been witnessing this struggle with alarm and often we have suffered from the effects of it. The seriousness of the matter is demonstrated by the fact that some labor leaders have apparently presumed to hold that labor is not amenable to the law of injunction and one spokesman for the American Federation has announced "a flat refusal on the part of labor to recognize or abide by the terms of injunction which seek to prohibit the doing of acts which the workers have a lawful and guaranteed right to do." This attitude has been characterized as anarchistic and as an assault upon our government and our judicial system. We are not sponsoring the cause of capital or of labor but we cite these facts to show the antagonistic attitudes as they exist. The gentlemen argue that the interests of capital and labor are the same and that therefore they ought to cooperate and that capital ought to give up a part of its control to labor. When they say their interests

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are the same they state only half a truth. In so far as production is concerned and so far as the amassing of a profit is concerned this is true. Their interests are the same to that extent. That is, it is to the interests of both parties to have a larger profit to divide between them. But that is as far as their interests are one and when it comes to the distribution of that profit between the two parties, capital and labor, their interests are adverse. The more one gets the less the other gets and that is the fundamental cause of all the industrial strife. We have seen how bitter this strife is. Now the gentlemen of the Affirmative propose, without making any changes in ownership or distribution of property, to take control of property from one party to the dispute, the owner, and give to the other, the laborer. They seem to believe that these two hungry lions with only one piece of meat between them will lie down together in peace. Such an arrangement would be disastrous to American industry. The existing strife would be aggravated and American labor would be placed in the position of a pauper or one claiming a privilege by reason of class distinction. Naturally this scheme is not acceptable to labor. What labor wants is an industrial democracy in which labor shares not only in management but in ownership. That is the true industrial democracy. Under the proposed plan to allow labor to share control without sharing pecuniary responsibility labor would use the control for her own interests regardless of the interests of industry as a whole. This arrangement would be ruinous to American industry. Expansion or retraction of industry to meet economic exigencies would be hindered and opposed. Strife would be aggravated. Capital would retreat from industrial investments and seek new fields. Management would be shared with those who had no pecuniary interest in the reward of the capital invested in the industry, and ruin would follow.

We are now facing a time when there must be some industrial retrenchment. This morning's papers contain accounts of many factories and industries being forced to lower wages. In view of the existing relationship between capital and labor it would be ruinous to force this surrender of management upon the owners. It fails to go to the heart of the question and would never give us industrial democracy which we are seeking.

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THIRD NEGATIVE

Harry Perlin, George Washington

The first Negative speaker has proved that the plan advocated by the Affirmative is wrong on general principles; it is wrong for one man to demand a share in the management of another's property without that other man's consent. Furthermore, it is unwise to take a laborer, skilled perhaps in his own field, but unskilled in the matter of managing a corporate industry and place him in a position as a director of a corporation giving him full and complete power.

In direct, logical sequence, the speaker showed that the Affirmative proposal is unwise from the pure standpoint of economics. He showed that labor directors are bound to cater to the interests of their constituents regardless of the interests of the corporation as a whole. They are bound to do this or lose their jobs.

At this point let us forget the question of economics and general principles for a moment and consider this bald, plain question: is the plan advocated by the Affirmative necessary? There are many reasons why such a radical departure and such an extreme position suggested by the Affirmative is altogether unwarranted. Judging from the arguments advanced by the Affirmative thus far, their purpose apparently is to reduce to a minimum the friction between capital and labor and to bring these two forces to a realization that cooperation is better than friction. To accomplish their end the opposition suggests that all of the hundreds of thousands of corporate industries in this country, together with all labor, organized and unorganized, turn over a new leaf and try their shining, brand-new untried scheme. In their enthusiasm the gentlemen overlook many considerations. Time, the great innovator brings evolution. Evolution, together with natural development will bring about such changes as are necessary and proper to adjust the interests of labor and capital. Evolution will succeed where arbitrary plans such as the one suggested by the Affirmative will fail.

At present we see in operation a variety of plans which have for their purpose the solution of labor troubles. We have the Whitley plan, the Leach plan, works committees, and collective bargaining. These systems contemplate confer-

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ences between representatives of labor and capital for the purpose of discussing labor questions, the only question in which labor is interested. These plans work with success and are already accomplishing the very ends for which the Affirmative strive. The systems have been adopted by the Standard Oil Company; the General Electric Company; Hart, Schaffner and Marx Company; the Goodyear Rubber Company and many other large concerns. The plan now affects countless numbers of workers and is still growing. Why not foster these plans which are a natural outgrowth of economic conditions and which have the support of both labor and capital rather than abandon them and arbitrarily adopt something new to serve the same purpose? What reason lies behind this act? Is labor too weak to look after its own interests?

Labor today works under greatly different conditions than labor of years ago. Labor today operates in great commodious factories, well ventilated and well heated, under sanitary conditions. They have great modern machinery installed with all safety devices. Labor gets good pay. Labor is organized into strong unions who have the power of boycott. Labor wields the great weapon of the "Strike." Labor demands; labor has force and that force is felt. Many people believe that labor is demanding too much.

The gentlemen of the Affirmative paternally and in a beneficent spirit suggest that we now give to labor a share in the management of corporate industry and thus give to labor a share in the control of capital from within. Does labor demand this? It does not. Samuel Gompers opposes the plan. Labor union leaders oppose it fearing that unions will lose their strength. In the labor conference presently taking place in Washington, the American Federation of Labor announces that it is prepared to spend a million dollars to fight the open shop movement. There is labor's point of view. Labor demands closed shop and collective bargaining. Labor is materialistic. It reasons that a bird in the hand is worth two in the bush. It doesn't interest itself in abstruse theories coming from well-meaning individuals whose minds are ruled by their hearts.

And now as to capital. Name the great American financiers who clamor for the Affirmative proposition. Can you imagine a strong clear-thinking, hard-headed capitalist who

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has built up a great industry, who has amassed a great fortune, who has for years past been guided by the principle of "business is business" suddenly out of the goodness of his heart, entrust to labor, which he has heretofore considered a commodity, as a necessary evil, a share in the management of his industry? Can you imagine this altruistic spirit becoming prevalent in all of the countless industries in the country?

Gentlemen of the Affirmative, how do you expect to make your plan work? Do you intend, arbitrarily, to force upon American industry a plan to which it does not subscribe? Do you expect great, organized, belligerent labor and powerful, independent capital to supinely submit to your proposition? How can you expect these two gigantic forces, by their very interests antagonistic, to work in harmony and cooperation under a system which they themselves abhor? Picture a director's meeting with one group distrustfully watching every move and act of the other group. This distrust will be constant, permanent unless man's selfish interests are entirely displaced by nobler feelings. Lincoln said, "A house divided against itself cannot stand." A divided body of directors, with two groups having distinct interests is not the best thing that can happen to American corporations.

Honorable Judges, it is clear that in discussing this question, we must be guided by facts, not by fiction. Labor and capital are both powerful and neither is willing to surrender any of that power to the other. Each is jealous of the other. A plan like the one which the Affirmative sponsors will fail in an attempt to force its beneficence against their wills. The Whitley plan leaves capital intact in the field of administration and leaves labor free in the field of operation; yet the interests of labor and capital are merged for their common benefit. Neither surrenders any of its power, yet under this plan they work in harmony.

This is the ideal condition. The gentlemen of the Affirmative cannot hope to accomplish more. In this debate the opposition has expressed noble aims, noble purposes and as to these we are in entire accord. But as to the means, we of the Negative must stop here.

The question reads that in order to be eligible as a director, you must be employed in the corporation. This is essential to eligibility. Now if one of these labor directors op-

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poses the will of the majority he may be ousted from his employment and made ineligible to sit as a director and labor loses. Now if he votes with the majority and against the workers they will lose all vestige of control in the directorate of that corporation and the Affirmative plan fails. No matter which way the labor director votes, labor loses.

Now, Gentlemen of the Affirmative, we expect you to state facts and not fiction. How do you expect a small number of labor directors to accomplish all the hopes which you express? We want you to show us exactly how a few labor directors will shape the policy of a corporation, look after prices, look after the public interest and accomplish all the other results? These are fundamental questions and we expect them answered clearly and definitely. The emotions of the gentlemen of the Affirmative have carried them beyond a proper perspective of the truth. In a mad rush to apply a remedy they fail to make a proper diagnosis; they perhaps unknowingly distort, the simple matter of right and wrong. They disregard the elementary laws of economics, they go to unnecessarily great lengths to acquire a remedy when a conservative, sane solution of the problem they are trying to solve is already in existence. They cannot see the forest for the trees.

We of the Negative base our opposition on the following facts: first, the Affirmative's plan takes a man's property against his will and is wrong in principle; second, it places that property in the hands of untrained men; third, other plans now in operation are producing the very results which the Affirmative seeks; fourth, labor and capital both oppose the Affirmative plan; fifth, and last, the Affirmative plan will not work. No actual control or irrevocable authority is vested in labor. They control in form, not in substance. Labor directors can be ousted from employment at the slightest whim of the employers.

FIRST NEGATIVE REBUTTAL

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SECOND NEGATIVE REBUTTAL

Stanton Fitzgerrell, George Washington

The gentlemen of the Affirmative have relied quite largely upon the argument of example and have cited several instances in which they claim management has been shared with labor and with benefit to the industry. But these illustrations are irrelevant and inapplicable in the discussion of this debate. They are welfare schemes in which the laborer is consulted but no power of authority or control is shared with the laborer. The gentlemen have cited the following companies, American Multigraph Company, Bethlehem Steel Company, Colorado Fuel and Iron Company, and The International Harvester Company. All of these firms are mentioned in the Handbook of Industrial Relations for 1920, prepared by the Bureau of Applied Economics and are included in the list of companies having shop committees and industrial councils. In analyzing the scope and functions of these plans the Bureau has the following to say:

"Their functions are usually limited, often covering only such matters as wages and working conditions, or sometimes even only certain welfare matters and recreational activities. Outside of these limited activities the government of the establishment remains entirely in the hands of the employer and even in the determination of these matters often the workers have no equal voice with the employer, and the system fails to exercise actual powers of government in the true sense of this term, and is merely consultative or subsidiary to it."

The gentlemen have cited one instance in which managerial authority and control is actually shared with the worker and that is the Proctor and Gamble Company. But this case is also irrelevant and inapplicable here because, according to The Forum for December, 1919, the workers own $7,000,000 worth of stock and their director on the Board is there by virtue of his election by share holders. In this debate we are debating the right of labor, as such, not as capitalists but as laborers, to share in the management of corporate industry.

THIRD NEGATIVE REBUTTAL

(This could not be obtained.)

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BIBLIOGRAPHY

Books and Pamphlets

Bloomfield, Meyer. Management and men. Century. New York. 1919.

Bureau of Industrial Research. Industrial council plan in Great Britain: reprints of the report of the Whitley committee on relations between employers and employed of the Ministry of reconstruction and of related documents. 132p. New York. 1919.

Canada. Department of Labor. Labor Gazette. 18: 742-6. S. '18, Summary of reports of the "Whitley committee" on relations between employers and employed in the United Kingdom.

Canada. Department of Labor. Labor Gazette. 18: 827-9. O. '18. Suggested constitution and functions of a joint industrial council.

Canada. Department of Labor. Labor Gazette. v. 19. F. '19. Industrial relations as outlined by a group of British employers. English city council's scheme to promote industrial harmony.

Canadian National Reconstruction Groups. Standing Committee on Plans and Propaganda. Problems of national reconstruction: a summary. 2d ed. Southern Press. Montreal. 1918. (p. 68-71. Bibliography).

Chapman, Sydney J., ed. Labour and capital after the war, by various writers. Murray. London. 1918.

Cole, G. D. H. Self-government in industry. G. Ball and Sons. London. 1917.

Great Britain. Commission of Enquiry into Industrial Unrest. Industrial Unrest in Great Britain. Reprints of 1. Reports of the commission of enquiry into industrial unrest. 2. Interim reports of the Reconstruction committee, on joint

Digitized by Google

standing industrial councils. Govt. Ptg. Office. Washington, D.C. 1917. (Issued also as U.S. 65th Congress, 2d Session. House Doc. 594).

Great Britain. Committee on Relations between Employers and Employed. Final report. (Parliament. Papers by command. Cd. 9153) H. M. Stationery office. London. 1918. (also in Monthly Labor Review. 7:1513-14. D. '18).

Great Britain. Ministry of Labor. Industrial councils. The Whitley report. (Industrial reports. No. 1). H. M. Stationery office by Darling and Son. London. 1917.

Great Britain. Ministry of Reconstruction. Industrial councils and trade board. Memorandum by the Minister of reconstruction and the Minister of labour. (Parliament. Papers by command. Cd. 9085). H. M. Stationery office. Eyre and Spottiswode, printers. London. 1918.

Great Britain. Report on Conciliation and Arbitration. (Parliament. Papers by command. Cd. 9081). H. M. Stationery office. Eyre and Spottiswode, printers. London. 1918.

Great Britain. Report on Joint Standing Industrial Councils. 2v. (Parliament. Papers by command. Cd. 8606, 9002). H. M. Stationery office. Eyre and Spottiswode, printers. London. 1918.

Great Britain. Supplementary Report on Works Committee. (Parliament. Papers by command. Cd. 9001). H. M. Stationery office. Eyre and Spottiswode, printers. London. 1918.

Great Britain. Works Committee. Report of an enquiry made by the Ministry of labour. (Industrial reports no. 2). H. M. Stationery office by Darling & Son. London. 1918.

Holme, J. B. British scheme for self-government of industry and its counterpart in New South Wales. Premier's Office. Sydney. 1918.

Reid, Leonard J. The great alternative; saner politics or revolution. Longmans. London, New York. 1918.

Rockefeller, John D. Brotherhood of men and nations; an address delivered before the Civic and Commercial Club at Denver, Colorado, June 13, 1918.

Rockefeller, John D. Colorado industrial plan, including a copy of the plan of representation and agreement adopted at the coal and iron mines of the Colorado fuel and iron company. New York. 1916.

Digitized by Google

Rockefeller, John D. The personal relation in industry: address delivered at Cornell University on the occasion of Founders Day, January 11, 1917. New York. 1917.

Rockefeller, John D. Representation in industry. New York. 1918.

United States. Bureau of Foreign and Domestic Commerce. Commerce Reports. no. 226:1166. S. 26, '18. Formation of German industrial councils.

United States. Bureau of Foreign and Domestic Commerce. Commerce Reports. No. 64. 1318-19. Mr. 18, '19. Progress of British joint industrial councils.

United States. Shipping Board Emergency Fleet Corporation. Industrial Relations Division. Works committees and joint industrial councils: a report by A. B. Wolfe. Philadelphia. 1919. (Contains bibliography).

Periodicals

American Economic Review. 8:763-73. D. '18. Relations between labor and capital. C. N. W. Sprague.

Annals of the American Academy. 71:167-85. My. '17. Who is boss in our shop? H. L. Cooke.

Annals of the American Academy. 71:186-90. My. '17. Suggestions from employees help company to save money. Edwin A. Hunger.

Annals of the American Academy. 81:67-81. Ja. '19. Representation in industry. John D. Rockefeller.

Annals of the American Academy. 82:124-34, Mr. '19. How American manufacturers view employment relations. S. C. Mason.

Automotive Industries. 40:476-7. F. 27, '19. Labor's representation in plant management the immediate problem. H. Tipper.

Automotive Industries. 40:564-8. Mr. 13, '19. Equal representation in management offered employees of the International harvester company.

Automotive Industries. 40:689-90. Mr. 27, '19. Industrial development depends upon partnership of capital, in management and labor. H. Tipper.

Automotive Industries. 40:805-6. Ap. 10, '19. Lack of care in promotion retards conference-plan development. Ordway Tead.

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Canadian Municipal Journal. 15:76. Mr. '19. Whitley report.
Chicago. City Club Bulletin. 11:291-2. N. 18, '18. Self-government in industry.
Coal Age. 15:696. Ap. 17, '19. Responsibility of labor. N. H. Seaburg.
Dial. 66:171-3. F. 22, '19. Industrial councils of Great Britain. G. D. H. Cole.
Factory. 22:917-19. My. '19. How my men help me manage. S. Cary.
Forum. 61:178-86. F. '19. Four partners in industry. John D. Rockefeller.
Forward. 3:16. Ja. '19. How Great Britain faces peace. Ordway Tead.
Industrial Management. 57:44. Ja. '19. Rockefeller creed. John D. Rockefeller.
Journal of Political Economy. 27:145-87. Mr. '19. Labor administration in the shipbuilding industry during war times. P. H. Douglas and F. E. Wolfe.
Living Age. 300:631-4. Mr. 8, '19. Experiment in worker's control.
Monthly Labor Review. 7:529-34. S. '18. Second report on industrial councils by the British ministry of reconstruction.
Monthly Labor Review. 7:534-40. S. '18. Industrial councils and trade boards in Great Britain.
Monthly Labor Review. 7:880-3. O. '18. Federation of British industries and industrial councils.
Monthly Labor Review. 7:890-7. O. '18. Industrial self-government.
National Civic Federation Review. 4:11, 19-20. Mr. 25, '19. Harvester industrial council; Harvester industrial council plan.
Nation's Business. 7:18-19. Ja. '19. Rockefeller labor creed; a program of ten principles for the new partnership. John D. Rockefeller, jr.
New Republic. 18:48-51. F. 8, '19. National organization by industries. Ordway Tead.
New York Evening Post. Mr. 12, '19. p. 7. How the Whitley plan helps industry. Pomeroy Burton.
New Zealand Employers' Federation. Bulletin. 3:7-11. D. 5, 5-6. D. 5, '18. Industrial self-government.

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New Zealand Employers' Federation. Bulletin. 3:7-11. D. 5, '18. Whitley report.

Nineteenth Century. 83:948-65. My. '18. Co-partnership versus labour unrest. N. Priestly.

Public. 21:1498-9. D. 14, '18. Cooperating with labor.

Public. 22:424-5. Ap. 26, '19. Cooperative management.

Quarterly Journal of Economics. 31:241-58. F. '17. Work and pay; a suggestion for representative government in industry. Robert G. Valentine and Ordway Tead.

Survey. 41:594-8. F. 1, '19. New constitutionalism in British industry. A. Gleason.

Survey. 41:917-18. Mr. 29, '19. Parleys for industrial peace. A. Gleason.

Survey. 42:27-8, 75-7, 109-11. Ap. 5-19, '19. Whitley councils. A. Gleason.

System. 34:805-10. 35:78-86. D. '18, Ja. '19. Why the employees run our business. Edward A. Filene.

Unpopular Review. 11:403-11. Ap. '19. Capital and labor in the war and after. W. P. Bloodgood.

Yale Review. 7:529-42. Ap. '16. Labor and reconstruction. Ordway Tead.

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CHAPTER VIII

INDEPENDENCE FOR IRELAND

UNIVERSITY OF WASHINGTON

versus

UNIVERSITY OF CALIFORNIA

RESOLVED: *That Ireland should be granted her independence.*

This is the first debate that has been held between the Universities of Washington and California, and the first debate between two teams composed entirely of women, to be reported in the University Debaters' Annual. The journey of the California team to Seattle was also the longest trip ever made by a woman's debate team. This debate took place at Seattle, May 24, 1921, and the decision was unanimous in favor of the team from the University of Washington, who upheld the Affirmative. The report was secured thru the courtesy of Matthew W. Hill, former Debate Coach for the University of Washington.

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BRIEF

INDEPENDENCE FOR IRELAND

AFFIRMATIVE

INTRODUCTION:

A. A study of Irish history shows that Ireland has been held in a condition of involuntary servitude.

1. The Irish were a distinct people when they were conquered by the English.
2. The conquest of Ireland was distinguished for its cruelty and oppression.
   a. The land was taken from the people.
   b. Many were swept away by the famines caused by the carrying away by the English of the food the Irish had raised.
   c. All civil and political privileges were lost to the people.

B. The question therefore becomes one of nationalism versus imperialism, or the right of a people to self-government.

I. Ireland is justified in seeking her independence.

A. According to the principles underlying the Declaration of Independence any nation has a right to choose how it will be governed.

1. Ireland can legitimately be classed as a separate and distinct nation.
   a. She has been acknowledged as such.
2. There can be no talk of secession where no voluntary contract has existed.

B. Ireland has obtained the right to rule herself thru seven hundred fifty years of English misrule.

1. More acts of repression have been passed against Ireland than against any other nation.

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2. Ireland is the only nation in Europe today held in bondage.

II. Independence for Ireland will benefit England.
   A. Only such a course will ever eliminate the state of warfare between England and Ireland.
   B. England can easily protect herself against any attempt by a foreign power to use the Irish shores as a basis for attack upon England.
   C. An independent Ireland would be England's friend—not her enemy.
      1. History shows that Ireland has always been most contented when left most to herself.

III. Ireland fulfills the requirements which entitle a nation to its freedom.
   A. Geographically, racially, and ethnically.
   B. Economically.
      1. Ireland qualifies easily as to area and population.
         a. She is larger than at least ten other European states.
      2. Financially.
         a. The amount collected by England every year in taxes would be more than sufficient to maintain Ireland.
      3. Industrially.
         a. Ireland is rich in natural resources, water power and harbor.
         b. It is only necessary to remove the obstructions that have been placed in the way of her industrial prosperity by England.
   C. It is not true that internal war between factions would result if Ireland were given her independence.
      1. Recent elections show an increasing majority sentiment in favor of the Republic.

IV. Independence for Ireland is desirable for other reasons.
   A. It would be the practical application by England of those principles for which the World War was fought.
   B. It is necessary for the preservation of an Anglo-Saxon entente.

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Negative

Introduction:

A. Liberty in the abstract is good but there are practical considerations that render it beneficial or obnoxious.

B. Independence for Ireland must be tried on its merits.

I. To grant independence to Ireland would result detrimentally to Great Britain.

A. Geographically and politically Ireland is in a position to be a menace to England.

1. Ireland lies across the most important sea-routes of Great Britain.

2. Her shores provide an inviting base for an enemy's flank attack.

3. Ireland has always stood with England's enemies.

B. The granting of independence to Ireland would be the signal for the breaking up of the British Empire.

1. It would mean the breaking up of an empire that has always stood for liberal ideas in government.

a. Great Britain has always been a peaceful empire.

b. She has always stood for free trade.

2. If Ireland withdrew from the British Empire, India would follow.

C. The world order would be seriously disturbed if the British Empire were to collapse.

1. The existence of the civilized world depends in large measure upon the effective working of a vast economic machine.

a. Each nation forms a part of this machine, and each part must be kept in place if the structure is to hold together.

2. The British Empire is a vital part of this machine.

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II. To give Ireland her independence at this time would be unwise.

A. This is an age of uncertainty, transition, unrest, when many yearn to tear down our social and industrial institutions without a thought as to how they shall be built up again.

III. Ireland cannot claim independence on the ground that she is a nation.

A. Ireland is not a unit politically.

1. Ulster and the South of Ireland differ radically in religon and in political aims.

a. Ulster is Protestant and would not willingly see her industries subjected to Catholic rule.

b. Ulster prefers to belong to the Union while the South of Ireland wants independence.

c. Ulster supported Great Britain in the Great War while the South of Ireland refused to do so.

2. Ulster differs from the South of Ireland more than Alsace or Lorraine differ from France.

IV. The demands of Ireland can be met without giving her complete independence.

A. A federation, on religious lines, could be formed between Ulster and the South of Ireland which would give adequate representation to both.

B. Ireland could be given as much representation in Parliament as Wales or Scotland.

1. Wales is satisfied to remain in the Empire.

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INDEPENDENCE FOR IRELAND

UNIVERSITY OF WASHINGTON

versus

UNIVERSITY OF CALIFORNIA

FIRST AFFIRMATIVE

Margaretta Stuart, Washington

You have heard the question for discussion stated. A brief study of the facts of Irish history shows that Ireland never consented to become a part of the British Empire. We purpose to show this evening that Ireland has been held in a condition of involuntary servitude—a condition as odious to the Irish as to Americans.

When England conquered Ireland in the sixteenth and seventeenth centuries it was a distinct and separate people with a spirit of nationality which only needed the oppression of all Ireland by an alien master to make it stronger. Moreover the conquest of Ireland was accomplished in the first period of modern imperialism and was distinctive for its cruelty and oppression. The country was completely subject to England and entirely in the hands of alien landlords. The great bulk of the people worked on the estates like serfs, getting with difficulty the barest living.

From time to time they were swept away by famines till in 1846 came the famine so terrible in its effects that it is still known as the Great Famine of 1846. The tragedy of this famine lay in the fact that it was caused by carrying away the food grown by the Irish people to feed the English, thus subjecting more than a million people to the most terrible of all deaths and forcing nearly two million more into exile. American relief ships sent to Ireland passed English ships coming from Ireland loaded with food. We find Ireland to be the only country in Europe where famine has taken place while food was exported.

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Furthermore, these people, who had lost the land of their fathers, were absolutely debarred from civil and political privileges. The race was not exterminated and lived on to distrust and hate with increasing hatred the rule of their oppressors—the rule which had established the relation of slave and master. Thus we find the question "Resolved: That Ireland be granted her independence," to be a question of nationalism versus imperialism, or the right of a people to rule themselves versus the rule of a people by a foreign power.

The first question which logically presents itself is—"When is a nation justified in seeking independence?" We may turn for an answer to America and find out when and under what conditions she sought to free herself from British rule. You will recognize these familiar words from the Declaration of Independence which set forth our right as a people to emerge from a colony into a nation. "That men are endowed with certain inalienable rights, that among these are life, liberty and the pursuit of happiness, that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

I would ask the Negative at this point how they reconcile seven hundred fifty years of English rule in Ireland maintained and enforced by an army of occupation with the principles set down by our forefathers: that governments derive their just powers from the consent of the governed. Either the principles set down in the Declaration and followed by our country are false principles or England's autocratic rule and militaristic enforcement of her will in Ireland is a false principle. The Negative must take one stand or the other. Either you justify imperialism and deny the Declaration, deny America's right to "resist the train of abuses and usurpations designed to reduce them under absolute despotism" or you recognize as among the rights of the Irish, life, liberty and the pursuit of happiness.

Ex-president Wilson, in his speech of May 27, 1916 said, "Every people has the right to choose the sovereignty under which they shall live, and the world has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of people or nations." Then again before the Senate he confirmed these views, saying, "No peace can or ought to last which does not accept the

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principle that all governments derive their just powers from the consent of the governed."

Great Britain today concedes the fact that what Ireland wants is independence. Even Lloyd George, in an address before the House of Commons, April, 1920, stated that "unquestionably what the Irish people want is independence, by a large majority—but independence would be secession." According to the definitions in the dictionaries secession pre-supposes a voluntary contract. There has been no such voluntary contract in the relations of Ireland and England. Therefore independence cannot be secession. Furthermore we did not look upon the separation of Poland or Finland from their conquerors as an act of secession.

Before we proceed further let us see if Ireland has a legitimate claim to being classed as a separate and distinct nation. Mr. Asquith, when Premier of England, said, "There are few cases in history, I myself know of none, of a nationhood at once so distinct and so persistent as the Irish." And again, "I have always maintained, and I maintain as strongly today, that Ireland is a nation. Not two nations but one."

However, let us not be satisfied with quotations, though they be as strong as those just given and by prominent Englishmen, but let us test Ireland's title to nationhood by an accepted current definition. Professor Yeomans in the Encyclopedia of American Government defines a nation as follows: "A nation is a population with a feeling of ethnic solidarity, due to the existence of one or more of a variety of factors the following of which are most important—a common origin, language, literature, tradition and history; common interest of any sort whether due to geographic unity, similarity of occupation or anything else. No one of these factors alone is indispensable and no one is necessarily decisive in making a nation." It would be difficult to point to any nation in the world that combines so many of these factors of nationhood as Ireland. Surely Poland, Czecho-Slovakia and Jugo-Slavia, rightfully independent, do not begin to approach Ireland in the distinctive character of their nationhood.

The British Joint Commission on the "Problems of International Settlement," an organization of English Publicists, in Memorandum IV of its Series has this to say of Ireland on page 13; "Ireland has all the attributes of a nation. Her

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boundaries cannot be disputed. Her people from the earliest times have known the country by a single name and give it an undivided affection. Her written history, compiled by her own scholars, is as old as that of England. She possesses an ancient and splendid literature. The national consciousness of the people, based on a great tradition, has never failed and is now of passionate intensity." This is how the British Joint Commission show Ireland to more than answer the requirements of a nation as given in the Cyclopedia of American Government.

Thus Ireland as a nation has a right to decide what government she prefers, or quoting from the Declaration, "it is the right of the people to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness," and the ladies of the Negative must prove this evening that Ireland is not a nation or that the Declaration of Independence is founded on principles applicable only to certain nations under certain conditions—or, in brief, that it is undemocratic.

In addition to Ireland's ethical right to independence and to rule herself owing to her distinctive nationality, she has obtained the right to rule herself through seven hundred fifty years of English misrule which has terminated in such a miserable failure so far as government is concerned.

George Russell, noted writer and economist, says in "Thots for a Convention" page 133, "the Union (which has been in effect since 1800) has failed absolutely to conciliate Ireland. Furthermore, a government which requires a succession of rebellions to secure reforms afterward admitted to be reasonable cannot be a good form of government."

It is neither desirable or necessary to go into a detailed account of English misrule in Ireland. No more definite indictment against British rule could be secured than the emigration figures. Ireland, under British rule, has decreased its population one-half in the last seventy years while Poland under Russian rule increased its population four-fold in the same length of time. Moreover, Ireland is the only country in Europe whose population has decreased and is rapidly decreasing today. Clearly English rule hasn't succeeded in making

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Ireland an interesting, profitable or desirable place for the Irish to live in.

Furthermore, Ireland is forced to maintain what, in proportion to her means, is the most expensive system of administration that exists anywhere in the world, according to Sydney Brooks, noted English writer and critic. With a population about the same as Scotland, she is saddled with a police force twice as large and pays $5,000,000 a year more for its up-keep. Her judicial system costs her $1,000,000 a year more. Her total civil government is nearly twice as much and she enjoys the privilege of supporting five times as many officials.

In 1896 a British investigating committee (appointed by Parliament) reported to Parliament that they had made a mistake and Ireland was over-taxed. And then England proceeded to correct that mistake by taxing Ireland four and a half times more than ever before. Since the famine of '46 her population has been cut in half and her taxation per head doubled. Taxation was one of the main sources of trouble between America and England. Has not Ireland the same right, or even a stronger right, to resist twice-doubled taxation?

Since 1601 Ireland has had more repressive acts passed against her industries and commerce than have been passed against the industries and commerce of all the other nations of Europe. She has had repressive measures passed against her cattle trade, woolen trade, linen trade, and in fact against every industry of importance. Ireland is the only country in Europe forbidden by the Government that rules her from carrying on direct trade with the Continent of Europe. Since the so-called Act of Union of 1800 there have been sixty separate and distinct acts of coercion by England against Ireland, not counting supplementary acts of legislation. The Act of 1920 marks the climax of coercive legislation against Irish liberties. Is it any wonder that an army of occupation has been needed to effect this imperialistic policy? Or is it any wonder that a protest was voiced in Dublin in 1916?

In John Quinn's book, "Explorations and Reflections," published in 1917, we find the following, written by an Englishman: "It is an awkward moment for a nation which has been publicly thanking God it is not as other nations: not a tyrant but the protector of the oppressed; no wicked Prussian mili-

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tarist, but the enemy of militarism; when it suddenly becomes suspected of the very crimes which it has set out to punish other races for committing." At the outbreak of the revolt in 1916 England held all cards, sympathy was with her. But Mr. Chesterton admits that not even the Germans could have played a hand more clumsily. After two years of war even the man in the street was capable of reflecting that there must be something behind the outbreak. Again allow me to quote from the same candid Englishman. "It isn't a pleasant thought for an Englishman, but then there is scarcely a page of Irish history which can provide pleasant thoughts for Englishmen. Perhaps that is why, with the strong commonsense which is said to distinguish my race, no Englishman ever reads one."

But an imperialistic policy characterized by acts of repression and an army of occupation is not all Ireland has had to contend with. The culmination of British injustice is yet to be considered.

In 1782 the English Parliament adopted the Act of Renunciation which provided that no power on earth but that of the kings, lords and commons of Ireland was competent to make laws for Ireland. This was adopted by the British Parliament and by its adoption England forever renounced all claims to legislate for Ireland. Hence in 1782 Ireland was definitely and formally recognized by England as a distinct nation with the right to govern herself expressly acknowledged. Quoting directly from the Act—"the right is hereby declared to be established and ascertained forever, and shall at no time hereafter be questioned or questionable." But England is compelled to base her right to rule Ireland today on something so she claims that by the Act of Union in 1800 Ireland was absorbed into the British Empire and that it repealed and superseded every previous enactment upon the Statutes of Ireland. To delegate sovereign power to the Crown the Irish people must have taken a voluntary step as conclusively representative of popular will as was the ratification by the people of the United States of the Constitution. It would necessarily have to have been the outgrowth of legislation developed in the Irish Parliament because of an expressed desire to form a union with England on the part of the Irish people. But the peculiar thing about this Act of Union is that it was not in the Irish but in the British Parliament that it arose and that

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it was sent to the Irish Parliament to be ratified. The Irish Parliament itself was not representative of the people as was proved by 707,000 Irish people who petitioned against the passage of this Act while but three thousand voted for it. Furthermore, the people of Ireland had delegated to the Irish Parliament authority to make laws for Ireland but not the power to turn this authority over to the British Parliament. Even Lord Grey, former British Prime Minister, speaking in the British Parliament in 1900 said, "Could a nation in more direct terms express its disapprobation of a political measure than Ireland has done of a legislative union with England?" Lloyd George even called the Act of Union "the Union of the Grappling Hook," while Gladstone, one of the most eminent English statesmen of the last century, said, "there is no blacker or fouler transaction in the history of man than the making of the Union between Great Britain and Ireland. The carrying out of it was but an artful combination of fraud and force applied in the basest manner in the attainment of an end which all Ireland detested." Thus the Act was wholly void and the English morally broke the law, and legally as well according to Locke, Black and in fact all the ablest legal minds of the day.

This evening I have used the phrase "involuntary servitude" —a phrase hateful to all lovers of freedom, particularly to Americans. It is a phrase of two words and an analysis of this phrase will serve to summarize the case thus far.

First let us consider the word involuntary. For eight centuries Ireland has been compelled by military force to endure British rule. Her nationalism, though recognized by British statesmen, has been denied her. The Negative will surely not attempt to establish that a government effected only by military enforcement is voluntary. Then let us consider the word "servitude." Ireland was held in servitude by the alien landlord system for centuries. True, that system has passed for the most part but its effects remain. As for present day servitude—we have found more acts of repression to have been passed against Ireland than against any other nation. She has been subjected to indignities suffered by no other nation. Her trade has been repressed; her will ignored; her laws made, voted on, and passed by the English politicians and enforced by the English army. Servitude? Ireland is today the most

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completely subjected as well as the only nation in civilized Europe held in bondage. Thus, Ladies and Gentlemen, it is involuntary servitude on which Ireland's claim for freedom rests. We must face the issue clearly. Either deny the condition of involuntary servitude or deny the justice of the democratic principles of the Declaration of Independence.

FIRST NEGATIVE

Veronica Trimble, California

We admit with the Affirmative, that peace in Ireland has been disturbed, and that it is being so at present. We regret it just as much as do our Opponents, but the question is not that, but lies in the remedy to this situation; and it is the purpose of the Negative to show that independence as suggested by the Affirmative is found to be untenable when exposed to the clear light of reason. Let us bear in mind that independence according to international law implies a sovereign state which is given in Moore's International Law Digest, Volume 1, page 15—as: "A people exercising thru the medium of an organized Government independent sovereignty and control over all persons and things within its boundaries, and capable of making war and peace, and of entering into all international relations with the other communities of the globe." And it sounds well. Liberty is a beautiful thing, a splendid thing in certain instances, but it is obviously wrong to grant it if the consequences will be detrimental. The thought is well summed up in the philosophy of Edmund Burke, and who loved liberty more than he, when he said, in his "Reflections on the French Revolution," page 6, "I think I envy liberty as little as they do, to any other nation. But I cannot stand forward and give praise or blame to anything on a simple view of the object as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstract. Circumstances give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind." Liberty then, in the abstract is good, but there are practical considerations which render it beneficial or noxious. Irish independence, as every

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other case, must be tried on its own merits. I as the first speaker of the Negative will show that to grant absolute liberty to the Irish people would result detrimentally to Great Britain and to the world at large; my colleague will deal with the effects to Ireland herself.

Ireland is in a position to be, if granted independence, a source of danger to England, to the British Empire and to world peace. Geographically, she lies across the most important sea-routes of Great Britain; strategically she can always be an inviting base for an enemy's flank attack. Naval warfare is not successful so much because the fighting is done from the sea, but because a landing is made from the sea. Ireland would provide such a landing. And again, England, enclosed between a hostile Ireland and a hostile European power, would be in a serious position with regard to her food supply, and her interests have always been manufacturing, since she has not food enough for her vast population. These considerations would be doubly grave when we reflect on the fact that Ireland has always been with England's enemies. J. L. C. Clark, a noted historian, makes the assertion that 480,000 Irish died in the service of a single enemy between 1619 and 1742, fighting against England. Every country that has fought Britain since the days of the Spanish Armada has found in the southern Irish a friend. This was never better brought out than in the Great War when Ireland's contribution to world freedom was lessened by suspicion and distrust of Great Britain. Her sympathy was pro-German, nearly every one admits that. Picture at this time an independent Ireland, an Ireland outside the sphere of British control, and friendly to Germany. Can't you see how she could well have been used as a landing place for Germany's forces? And unpleasant as the thought may be we must remember that it was in 1916, when Britain stood with her back to the wall, when the democratic institutions of the world were menaced by Prussian autocracy, that Ireland, by means of the revolt of Easter Week struck a blow, which, could her wishes have been realized, would have meant the destruction of whatever makes our western civilization worth while. This is one reason why Britain has striven so hard to control Ireland, and it is why she must continue to control

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her; and certainly the proper interests of the forty-millions of people who inhabit the British Isles, as well as those nations whose economic and political mechanism depends to a great extent upon the stability of the British Empire cannot be overlooked. Maybe there is a new era at hand when there will be no more wars or fear of war and if such is the case Ireland will no longer be of so great a consideration to Britain. But as yet we can only hope and strive to bring about, not make our decisions from premises hoped for but still to be established. We must face the fact that the Treaty of Versailles did not abolish competitive armaments. We, in the United States today are spending 93 per cent of our taxes for armaments. Until international peace is assured we cannot afford to have an independent Ireland, able to work her very will, at the door of England.

But even this, to my mind is not the most vital argument of the situation. Another is paramount, and that is that the granting of independence to Ireland would be the signal for the breaking up of the British Empire, and we need only to look back over history to know the benefits of this Empire. When Ireland passes out of English possession the sun will forever set upon it, one of the two divisions of the Anglo-Saxon race that has given western civilization its impetus in liberal ideas of Government. The Magna Carta and the Bill of Rights have left an imprint on history unsurpassed. Our entire legal system, our common law, our jury system, our writ of habeas corpus, all are products of this civilization. Dr. Minot J. Savage has well expressed it in his poem, "America to England" when he says:

"You fought the fight for freedom
And taught mankind the creed,
Long 'ere our Declaration
There was a Runnymede.
We won at Appomattox,
But you had won before;
Our Bunker Hill and Yorktown
Look back to Marston Moor."

Not alone has the British Empire stood for liberal ideas of Government but we find in looking back over history that it

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has always been a peaceful Empire. It is true Britain has had wars in building up her Empire, but she has kept out of European wars. Maybe she was wrong in her wars to build up her Empire, but the fact remains, that once brought within the Empire the countries have been freer from wars than ever before. India, under British administration, has had peace longer than any other country, a century and a half. Professor Treat of Stanford University says, "Beginning with Bengal in 1773, as the different provinces have come under British rule they have received a profound peace from factional strife on the peninsula." Such is a historian's verdict. Canada and Australia too, until the outbreak of the Great War, never became engaged in a foreign war.

The British Empire as well as standing for world peace has always stood for free trade. Perhaps her motives were selfish for she is a manufacturing country, and commerce is needed to supply her with food for her vast population. Trade is her very life-blood, and when trade ceases her power ceases. Now any economist will tell you that the great requisite for trade is peace, war and trade will not stand together. Stability then the Empire has given, is giving and will continue to give. If Ireland breaks away and if she is granted her independence, what then? The granting of freedom to Ireland would be the granting of the right of secession, not only because of the Act of Union, but because of the recognition that has since been shown to that Act by Ireland, she is an integral part of the British Empire. Britain admits this, and if she were to give her consent to Irish independence, as she would have to do before it could become a reality, she would be giving her the right to violate that principle that is at the very foundation of Union, willingness to abide by it. We could not grant this right in 1861 and it cannot be allowed from an international standpoint today. Grant Ireland her independence and the seething masses in India will be given the impetus and right to strike also. Let us refer again to Professor Treat when he says, "The provinces of India have received under British rule manifold blessings of civilization, an efficient war on famine and plague, and splendid internal improvements. Self-government must come as the result of slow evolution. Abrupt revolution would bring incalculable mischief to both India and the world." Allow these still unedu-

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British rule, the Negative is denying the democratic principles of the Declaration of Independence.

They say the state of affairs in Ireland for the past seven hundred fifty years must be continued for the preservation of the British Empire. In other words, the Negative says the unity of an Empire is more important than the right of a people to be free, than the recognition of a government whose just powers are derived from the consent of the governed. The argument they are advancing for a continuance of the past seven hundred fifty years in Ireland is of the same sort that Germany used to justify her invasion of Belgium—military expediency.

But may we show you that independence for Ireland will benefit England, for it is only by such a move that we can ever eliminate the state of armed warfare between Ireland and England—a warfare in which every act of the British Government has made the Irish more determined to become free. Such a state of affairs, carried to its logical conclusion, means the extermination of the Irish race. On the contrary, independence makes possible a peaceful and prosperous Ireland, friendly to Great Britain. Please do not think that I am building up a utopia, for plain common-sense makes the justice of this argument self-evident.

May we consider the situation of the two countries for just a moment. England is a nation having four hundred fifty-seven million subjects. She possesses the most powerful navy in the world, and with the control of nearly all the strategic points along the highways of commerce, is undisputed mistress of the seas. Neighboring to this great empire is the little island of Ireland, isolated from all the rest of the world, and having a total population of only four and one-half million. If this island were to allow a foreign power to use its shores as a base for operations against England, it would be an easy prey for attack by the English navy, and nothing could save it from complete annihilation. Moreover, you must remember that to attack England through Ireland, the foreign power would have to go around England, up into Ireland, then back across the Irish Sea to enter England. Would any power do this, when it could cross the channel directly into England?

Moreover, has the Negative any reason for assuming that an independent Ireland would be England's enemy.

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On the contrary, independence alone can make Ireland England's friend. From the time of Gladstone down, history shows that Ireland has been most contented when England has left her most to herself. For example, never was the country so law-abiding and friendly to Great Britain as during the Boer War, when English necessities forced the withdrawal of thirty thousand soldiers and directed English energies away from Ireland. Such facts indicate that independence can bring the greatest degree of peace and contentment to Ireland. Says De Valera, President of the Irish Republic, "England's danger is not in a free, but in an oppressed and subject Ireland. As a subject nation, Ireland will hate her oppressor, but the Irish people's hatred will cease with the removal of the cause," and he adds, "an independent Irish nation might well find common interests with Britain. Final peace between the two islands can come with Irish independence and with that only."

Will the contented free neighbor or the oppressed subject have the greatest danger for England? May I quote from an Englishman, Harold Cox, Editor of the Edinburgh Review, who states in January, 1921; "By cutting the knot that ties us together, we shall free ourselves and Ireland from the false sentiment that blinds our judgment. This will make for friendship. At any rate, if there are any risks from so doing, they are insignificant in comparison with the difficulties Great Britain will have to face for generations to come, both at home and abroad, if we continue to retain under the Union flag the determined enemies of England."

Let us now turn to the consideration of Ireland itself. With the basis upon which she is justified in seeking independence established, we face this problem—does Ireland fulfill the requirements which entitle a nation to its freedom? Geographically, racially and ethically we have shown that she does. May we now show you that Ireland can, if given independence, maintain herself? To determine this necessitates an analysis of area, population, financial status and resources.

As to area and population, Ireland qualifies easily, being larger than at least ten other European states. Financially, she is able to discharge the duties of a nation. According to George Creel, well-known American author and official censor of the United States Government during the war, England col-

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lects from Ireland an annual tax revenue of two hundred million dollars, only sixty-five million dollars of which is spent on the Irish government, leaving an annual profit of one hundred thirty-five million dollars for England. Considering that the cost of government for Switzerland is only thirty-five million dollars and for Denmark only twenty-seven million five hundred thousand dollars, it is evident that Ireland pays dearly for the privilege of being misruled by England. It means that if we hold within the country the sixty-five million dollars now spent on its government, if we remove the cost of keeping the country under perpetual martial law, if we retain the one hundred thirty-five million dollars profit to England, we leave Ireland with a very satisfactory solvency at the very outset.

Also the growth of industry and the development of natural resources and trade relations will add materially to the wealth of an independent Ireland. According to George Creel, whom I have already quoted, Ireland possesses rich beds of coal, iron and copper; some of her clay is the finest in the world for pottery making. Peat reserves of five billion four hundred million tons have not yet been touched. The island possesses a large enough supply of water power to run all the machinery now operating in Great Britain. It has more natural harbors for vessels of the largest size than all the remainder of Europe, although England's policy of no foreign trade for Ireland keeps them idle. Such facts indicate that Ireland possesses the natural and financial resources adequate for a sovereign state.

Furthermore, we must remember that these answers are given by the Ireland which persists after seven and one-half centuries of persecution and oppression, and that she is able to make such a showing is a proof of sheer indestructibility. There is, however, another Ireland waiting only to be released from the bondage of England to rise again to strength and power. You may ask why Ireland must wait for independence for the development of her resources. The answer is found in her industrial history, which is a lasting condemnation of English misrule—a dingy chronicle of selfishness and industrial greed which has sacrificed Ireland at every turn to the interests of English business. One by one each of her incipient industries was either strangled at birth or handed

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over, gagged and bound, to the jealous custody of the rival interests in England.

Such was the fate of the sail-cloth, sugar-refining, cattle and shipping trades. With the development of the woolen industry, the woolen manufacturers in England petitioned Parliament for the discouragement of the industry, and it was destroyed at a blow by the imposition of exorbitant duties. So was the cotton industry killed by a Statute forbidding the use of cotton not coming from England. The Irish turned to glass making, but legislation under George II prohibited them from exporting glass to any country whatsoever. In rapid succession followed the destruction of each new industry which the Irish developed. Such a deliberate crushing of their economic development by England provides an indisputable argument for the right of the Irish to their independence. Furthermore, it makes self-evident the fact that only by independence can the real economic development of the country come. Replace the bondage of the foreign master by the peace of mind and contentment which independence alone can bring and you enable the Irish to turn their attention to the internal development of their country. What they can do along this line has been shown by the Irishmen in America who have stood as pioneers and developers of the nation.

One more practical question arises and that is, would the internal factors in the country constitute a menace in case of independence? We realize that the Negative will undoubtedly present you a picture of a chaotic, disrupted country whose people cannot agree among themselves—of a solidly Unionist Ulster which cannot be subjected to the will of the rest of Ireland. We would like to present you with the simple facts of the case that you may judge for yourselves. At the election in 1918, out of one hundred one elected representatives seventy-two or over 70 per cent voted for independence. Even in Ulster, the so-called Unionist territory, five out of the nine counties voted for freedom, and in the four remaining ones Sinn Fein won 35 per cent of the votes.

Since this general election there have been two more, proving that the results in 1918 were no chance victory. In fact, they show that sentiment in favor of the Republic has steadily advanced, over 88 per cent of the people definitely favoring the Republic in the returns of June, 1920. The people of

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Ireland were asked what they wanted—their answer was unmistakable. Even Lloyd George admitted in his speech to the House of Commons, April, 1920, that there could be no doubt of the fact that "the Irish favored independence by a clear and definite majority."

Such a degree of unanimity means that the Negative are placing the will of 12 per cent of the people against the will of 88 per cent. We ask you, as people who believe in rule by the majority, if the will of 12 per cent of a people should be allowed to prevail as a perpetual veto on the will of practically nine-tenths of the population. To answer "yes" to such a question is to cut at the very foundation of democracy, for democracy, after all, stands on the principle of majority rule.

At this point in the argument, may I go back one step to review the Affirmative case. Thus far we see Ireland justified in seeking her independence from a geographical, and ethical, and an economic basis; we see her justified by every recognized principle and precedent by which nations have become free.

In a still larger sense, independence for Ireland will be the practical application by England of those principles for which the World War was fought. It is a step necessary for the preservation of an Anglo-Saxon Entente. That this is true is made evident by a secret treaty between Japan, Germany and Russia, revealed in April, 1919, by which these three countries bind themselves in an alliance against the United States and England.

Such a treaty means that the United States and Great Britain must stand shoulder to shoulder as defenders of those principles for which they fought the war—as defenders of weak nations. This demands the closest bonds of friendship between the two countries but these bonds can never become real or lasting until Ireland is free, for her problems stand as a perpetual source of misunderstanding, as a reservoir of ill-feeling fed by streams of Irish resentment. President Harding, Vice-president Coolidge, Lord Reading, Viscount Grey—in fact all leading English and American statesmen urge the settlement of the Irish question for this reason if for no other.

Irish independence must come if we are to maintain, out of the wreck and ruin of the war, that principle for which millions were led to fight and die—the principle that the people

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of no nation may be forced by duress of arms under a sovereignty under which they do not wish to live. This is England's chance.

For her to give Ireland her freedom means to the world a guarantee of the new international order; a reassurance to all small nations, and a new faith in the principle that governments derive their just powers from the consent of the governed. For England to hold Ireland is for her to break faith with the world and to repudiate the principles for which she fought the war. To reject Ireland's claim is to fail in the acid test.

SECOND NEGATIVE

Grace Dietz, California

I see that I must re-state the Negative position. We, as well as the Affirmative, are speaking as friends of Ireland. We, too, have studied Irish history and while we have not seen quite so black a picture as that painted by our Opponents, we realize that in her work of governing Ireland, England has sometimes blundered sadly. We do not, as the Affirmative has mistakingly asserted, desire a continuation of these blunders. We, as they, desire that a change be made in the government of Ireland; a change satisfactory to the great Anglo-Saxon democracies within the Empire and without. But, that the Irish Problem is, as has been stated, a thing easy to solve —that in taking one side or the other one simply takes his stand for or against self-determination we emphatically deny. As my colleague has said, we live in a complex day and age. To decide a problem, such as the Irish, by an arbitrary and blind appeal to first principles, with little or no thought of attendant circumstances, is to run the risk of committing a greater wrong, of bringing about a far more widespread injustice than can possibly exist under present conditions. That circumstances alter cases—that two wrongs do not make a right—are proverbs of significance in this discussion. Irish-American love for Ireland is sometimes a very beautiful thing; but so frequently it is productive of intolerance. Thus tonight, in their enthusiasm for the cause of Sinn Fein, our honorable Opponents have brushed aside with a few superficial arguments, the case of England and have totally ignored Ulster's viewpoint. Their attitude toward the question has been

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that of Sinn Fein. Oh, I admire the Irish Republican leaders. I see that there is in them much that is lovable and noble, beautiful and strong; but the spirit that supports them is closely allied with intolerance and bigoted hardness. To them Ireland is very dear; England very hateful; the rest of the world does not count. Though Irish independence should mean disaster to the whole of civilization, yet Ireland must be independent. Sinn Fein—ourselves alone! We, on the contrary, have striven to get the point of view of a neutral in the struggle, the point of view of a spectator. We have striven to get Sinn Fein's viewpoint—yes! but that of Ulster, that of the Empire, that of the world, as well.

Before going on with the Negative case tonight, I want to consider some of the arguments presented by our honorable Opponents. The first speaker for the Affirmative argued as a point in favor of Ireland's secession, the fact that she came into the British Empire through conquest. Now, of course, the little Island, harrassed by constantly warring tribes, which, in 1172, Pope Adrian gave Henry II authority to invade, was, on the whole, made subject to England by force of arms. But surely our Opponents realize that in accordance with our present state of civilization, this method of acquiring territory is recognized as perfectly legal. By what right, save that of conquest, were the component parts of our various modern states brought together? Of course, it is a pretty poor system of civilization which permits such methods, but that such toleration does exist, our Opponents in the light of the histories, not only of European states but of their own country, cannot deny. So, logically, they cannot forbid to England, a privilege everywhere and at all times even at present, accorded to her sister nations.

Our honorable Opponents have quoted from the Declaration of Independence and have asserted that to uphold the Negative side of the Irish Question is to be false to American ideals. If this is true, if government depends purely on consent of the governed, if attendant circumstances are never to be considered, why was Lincoln justified in denying independence to the Southern States? They never had consented to become part of the Union; they differed in interests and ideals from the North, they had been oppressed

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by the North and they were far more closely united in their demand for secession, than is Ireland today. And why too, did our legislature on the very day that it sent a message of sympathy to Sinn Fein, answer the Philippine plea for independence not with a denial of the justice of their cause, but simply with a statement that in the opinion of the United States government, Philippine Independence would be inexpedient? The answer is simply this: Expediency rules our world. Among nations as among individuals self-preservation is the first law. We regret that this is so, but it is so and we cannot deny to England the exercise of a privilege that we have claimed for ourselves. Our Opponents have stated that they are defending self-determination and we imperialism, but it would be more correct to say that we are upholding the practical, they the ideal.

The first speaker for the Affirmative offers in support of her thesis, a statement that Ireland is a nation, quoting several noted Englishmen to that effect. But, just what is meant by the word nation—a sovereign state? Not in the minds of the authorities she quoted at any rate; they simply mean by the term nation a territory such as Wales or Scotland, they are not thinking of sovereignty. As proof of this we challenge our Opponents to produce from the writings of any of the authorities they have quoted as saying that Ireland is a nation, a single argument in favor of Irish secession. We would remind our Opponents that the word nation is not synonomous with the word state.

Another point presented was, that England has mis-governed Ireland and is mis-governing her. If this is true it is simply an argument in favor of change, which the Negative advocates, and not necessarily in favor of the Independence desired by the Affirmative, but is it true? Let me read you this quotation from Redmond. "Today the people, broadly speaking, own the soil; today the laborers live in decent habitations; there is absolute freedom in local government and local taxation of the country. Today we have the widest parliamentary and municipal franchise. The congested districts, the scene of some of the most awful horrors of the old famine days, are being transformed. The farms have been enlarged, decent dwellings have been erected, and a new spirit of hope and independence is today

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among the people. In town, legislation has been passed facilitating the housing of the working classes—a piece of legislation far in advance of anything obtained for the town dwellers of England. We have a system of old-age pensions in Ireland, whereby every old man and woman over seventy, is saved from the work house and free to spend their last days in comparative comfort." This was said on July 1st, 1915.

The fact that the population of Ireland has decreased, has been charged by my Opponents to British mis-government, but may I remind them that in 1800 the population of Ireland was only 5,400,000 people; by 1845 it was 8,200,000; by 1900 it had again fallen to 4,250,000? Surely these statistics make obvious the fact that the rise and fall of the population has not been due either to the good or evil of British government, but rather to economic factors, radical industrial changes and enticing attractions abroad. With regard to the Irish financial grievance, as represented by my honorable Opponents, let us look at the facts of the case, taking the official reports of Great Britain and Ireland for the year 1914. Ireland it is true, contributed $55,000,000 to the Imperial Exchequer, but she was given back for local expenditure $66,000,000. This report may be taken as typical of most of the years from 1900 on.

So far, the Negative have opposed Irish independence on the score that to grant it would be to menace the welfare of the British Empire and the peace of the world. But, we believe also that consideration for Ireland's own welfare should forbid the passing of such a measure. Our Opponents, claiming that Ireland is united in her desire for Independence, have totally ignored the Ulster Question and yet, both the political welfare of Ireland and justice to a portion of the Irish people, demands that this question be considered carefully. I shall try to give an impartial view of Ulster's position. There are in Ireland as you know, four counties. Three of these are fairly homogenous. The fourth, Ulster, is as different in religion, aspirations, interests and ideals, as is France from Germany. The people of Ulster are a hardy, thrifty race, taking a rather serious attitude toward life, most of them claiming membership in the Presbyterian Church. Although subjected to the

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economic oppressions imposed upon the rest of Ireland, Ulster has prospered exceedingly. She has the largest linen and tobacco works in the world; the largest shipbuilding firms. She has but 35 per cent of Ireland's population and yet, she alone, pays one-half of all Ireland's taxation. Belfast does 70 per cent of all Irish export trade and one-half of all foreign shipping trade. Ulster has but sixty paupers per ten thousand while Dublin has two hundred sixty. In short, Belfast is the commercial and industrial capital of Ireland. The people of Ulster live in the twentieth century, care little for dreaming and very much for doing. They have worked hard for their possessions and value them accordingly. They look with a certain scorn upon the South, seeing in the Southern Irish an impractical shiftless people, having little aptitude for industry of any kind, unless a childishly eager participation in corrupt politics may be called an industry. Imagine then, the sensations of a respectable Belfast merchant, who, facing the prospect of government by the southern Irish, picks up the writings of some republican leader, Padraic Pearse, for example, and finds a statement such as this: "We shall restore in the Ireland of the twentieth century, the civilization and culture of the sixth, seventh and eighth."

Moreover, there is between the south of Ireland and the north a complete difference in ideals. I know that it is the fashion to sneer when an opponent of Irish independence speaks of Ulster's love for the Empire; the pride she feels at being a part of the greatest commonwealth that the world has ever known, and yet she has attested it in the most significant manner in which anything can be attested, for although the population of Ulster is but 1,580,000 as against the 2,800,000 of the rest of Ireland, she gave in the World War 74,000 recruits as against 70,000 from the rest of Ireland, or, one out of every twenty-one, as against the one out of every forty contributed by the south. In addition, many thousands of Ulstermen were prevented from enlisting because they were needed for shipyards and munition works. It is to be remembered, by the way, in speaking of those who enlisted from the south, that they were not Sinn Feiners; for, far from enlisting to preserve the cause of civilization, Sinn Fein was plotting to overthrow it. Remember

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this—in the very darkest days of the struggle, Sinn Fein struck—treacherously.

Is it to be wondered then, that those who know the failings of the south and the temper of the north, fear that secession of Ireland and the setting up of a Republic would be the signal for a bloody civil war. And what of the ethics of the case? What of the rights of the Ulster people? If it is right to grant self-determination to the south of Ireland, which is but one-tenth of the British Empire, why would it not be right to grant independence to Ulster which is one-third of Ireland? Why should the unit of self-determination cease with Sinn Fein? In working out the principle of self-determination Father McDonald, a Professor at Maynooth College, and a vigorous opponent of Sinn Fein, makes this statement: "Self-determination of a portion of the country cannot be admitted unless no injury is to be done to the country as a whole." You cannot logically, demand justice to Sinn Fein Ireland and deny it in the same breath, to the north, and yet this is the very thing our honorable Opponents have sought to do.

This then, must serve as a brief statement of the Ulster question. To the minds of many students of Irish affairs, it offers an almost insurmountable obstacle to Irish Independence. But there are other obstacles. Suppose Ireland were severed from Great Britain, what then would be her lot? She would have to assume all the burdens of an independent nation, including military and naval defense, as well as the entire expense of a separate government. Could she do it? We do not think so. Our Opponents have argued in support of their contention that Ireland is capable of taking her place among the sovereign nations of the world, the fact that in point of view of size and population she compares favorably with various small countries. Yes, but these are minor matters; what of her resources? Our Opponents have quoted George Creel, a journalist, to the effect that Ireland has really marvelous resources, but that for some mysterious reason, England has not permitted her to develop them. It may be that Mr. Creel's authority should be accepted as conclusive, but we have preferred to consult the Official Reports—ordinarily taken as creditable. These reports show that Ireland has no more coal than has most

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of France, and that what exists is of low grade, and in the southeastern part, while the iron deposits which might be worked with the coal, are in the extreme northeast. There is peat for fuel, but this is inferior to coal. So also with agriculture. Ireland is ringed by mountains and hills low enough to let the ocean winds bring abundant rains from the Atlantic, but sufficiently high to cause the rain to run down to the central parts, rather than away to the sea; so that with the two hundred or more rainy days each year, a great part of Ireland is marsh land and vast sections of the country are not suited for agriculture. There are in Ireland about 20,000,000 acres; a fourth of this cannot be cultivated; an eighth of it is meadow land; half of it is permanent pasture; less than an eighth of the whole is under tillage. As Earnest Barker says on page forty-one of his book, "Ireland in the Last Fifty Years," (a book on the whole favorable to the Irish cause), "Ireland is thus marked out preeminently, as a pastoral country." It is to be remembered also, that Irish trade would no longer be free of British markets or of the markets of British territories.

There is another obstacle too, which on first consideration does not perhaps seem to have a great deal of weight; that is, the very character of the Irish people. Of the charm of that character at its best, I am very well aware, and yet, I cannot but feel that the very elements which create the charm in the temperament which we know as Celtic, are not conducive to successful statesmanship. The leaders of revolutionary Ireland are dreamers, idealists. They write poetry, usually. They fight bravely, they die like heroes, but unfortunately, when they sit down to study problems of statesmanship, they, like Padraic Pearse, the first president of the Irish republic, are prone to make statements of the nature of this—"We shall restore in the Ireland of the twentieth century, the culture of the sixth, seventh and eighth." They seem to see Ireland through a blue haze of romance by means of which the real and the unreal, the practical and the ideal, become strangely confused, and as for the mass of the Irish population, their happy-go-lucky character, their inability to follow a leader or to unite for any purpose of general welfare, forbids anyone with a knowledge of them, to see in them efficient citizens of an independent nation.

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Such then, is the case for the Negative. We, with the Affirmative, realize that a change should be made which will bring the government of Ireland in conformity with democratic ideas; but with regard to the nature of that change, our opinions differ. The Affirmative say that justice can be obtained only through secession, through the breaking away of Ireland from the rest of the Empire and the setting up of an independent nation. The Negative believes that such a course would be a source of injury not only to Ireland, but to Great Britain and to the world, so they have set out to find a better plan; that plan is somewhat as follows: there shall be in the south of Ireland, a parliament and another in the north; each possessing local autonomy. According to the advocates of this plan, a similar form of government shall be put into effect in Scotland, in the Midlands and in Wales; each of these States shall send to parliament to the Council there, a representative. By means of this plan Ireland, as a whole shall be protected from the menace of civil war and of foreign aggression which would threaten her were she to gain independence. Also would she be spared from the intolerable burden of providing for military and naval defense. She would be able to devote herself to the things for which the Celtic mind has the greatest aptitude, literature, music, etc. Her national aspirations, her language, she would be free to develop. It is to be noted here perhaps, that the preserving of national characteristics has not necessarily any dependence upon the maintaining of national sovereignty, for although Wales became a part of England and has submitted to English rule, yet while only twenty thousand of the whole of the population of Ireland today speak Irish, of the two million of Wales one million use Welsh as their medium of communication. It is to be believed then, that under the plan of federation, Ireland will have greater opportunity to revive or preserve her national culture, than she would were she given independence and all that that involves. Moreover, the Protestants would not be threatened with injustice. And too, the danger dwelt upon by my colleague—of disaster to the British Empire, and consequently, to the world, particularly to the Anglo-Saxon world, would by this plan, be averted.

So then, because we believe that federation rather than secession would mean the greatest good to the greatest number;

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because such a plan makes allowance for the legitimate aspirations, not only of Ireland, but of Ulster and Great Britain as well, we offer in opposition to the policy of secession advocated by the Affirmative, a plan of federation "freedom—within the Empire."

FIRST AFFIRMATIVE REBUTTAL

Margaretta Stuart, Washington

The ladies of the Negative admit England's past (in so far as Ireland is concerned) has been regretable and that the present is regretable as well. Then they propose a partnership between England and Ireland. If you were considering entering a partnership, would you desire as your partner one whose record you knew to be "regretable," one with whom you had never been able to maintain friendly relations? But this is taking for granted that Ireland wished to enter into a partnership with England, whereas she has proved by her rejection of the Act of Union and her refusal to consider the Home Rule offers that she desires no connection with England whatsoever. No matter how worthy a plan of partnership the ladies of the Negative may propose, it cannot be successful unless they can prove that it would be voluntary, and they have failed to show how this would appeal to Ireland. Ireland does not care to choose a partner whose past and present is "regretable" any more than you or I. Furthermore it is too late to offer any plan to Ireland now. What she wants is her freedom, relief from the ignominious condition of involuntary servitude to which she has been forced to submit for seven and a half centuries.

The ladies of the Negative say that the integrity of the British Empire must be preserved at all costs and Ireland is essential for its preservation. Then they tell us there is an era coming of no more wars. Why then is Ireland of so much importance to the British Empire? But is a nation to be sacrificed to maintain the integrity of the British Empire? Is it best for civilization that that Empire be maintained? If the maintenance of it demands the repression, the subjection and the sacrifice of another nation? The Affirmative have pointed out the Acts of Coercion against Irish liberties, the suppression of her commerce, the subjection of her people,

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the enforcement of her will by an army of occupation, to all of which the Negative have agreed. Ladies and Gentlemen, if that is necessary to maintain the integrity of the British Empire, then we say let that Empire be dissolved!

The ladies of the Negative say that the pro-German sympathies of the Irish are practically admitted by everyone. Unfortunately, the Affirmative object to this statement. Lloyd George was told he could have five hundred thousand men if he would demonstrate that England was fighting for the rights of small nations. As for the Irish aliens in this country, according to Major Crowder, whose report has been officially recognized, the Irish aliens exceeded the number of voluntary enlistments of all other countries, including England, by 10 per cent. They are willing enough to fight for the United States when the need arises but perhaps we should hesitate to condemn them if they are not so ready in defense of their oppressors. Was Ireland not justified in demanding to know what she was fighting for? Would you expect her to sacrifice the last remnants of her race for a country she regarded as a slave-master? A country which had brought her to her present deplorable condition by seven and a half centuries of repression?

The ladies of the Negative have been inconsistent this evening in their defense of England. They stated that perhaps England was wrong in the way she obtained the various parts of her Empire but that she has justified herself by the peace and prosperity which she has secured to them, particularly India. The Affirmative seriously question this and refer the Negative to the reports of the Indian National Congress. It is unnecessary to enter into these reports, as we are here to discuss Ireland and not the English colonies and the Negative admitted in their second main speech that the peace of India is marred by a seething mass of people, ready to revolt at any moment.

We of the Affirmative have shown you this evening that Ireland is a separate and distinct nation and the Negative have admitted it. That the Negative must deny Ireland's nationhood or deny the principles of the Declaration of Independence has also been shown. They have failed to state their position.

Ireland, by the acts of coercion and repression, by the sub-

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jection to which she has been forced to submit, feels herself held in a condition of involuntary servitude, and no people feeling themselves in such a position can submit to it and maintain their self-respect. Thus, Ladies and Gentlemen, we close our case as we began it, resting Ireland's claim to independence on the democratic principles which our forefathers formulated and which, set forth in the Declaration of Independence, have been our guide throughout our years.

SECOND AFFIRMATIVE REBUTTAL

Ruth Holland, Washington

First I should like to ask the Negative, "Who is this enemy who is going to attack England if Ireland is given her freedom?" The ladies say, "France is the only country directly across the channel, and surely she will not attack England." We would like to know, then, who this enemy is. Furthermore the ladies say England must hold Ireland in order to prevent any country from using Ireland as a base of attack against her, and then they deliberately attempt to show that Germany did this very thing during the war. If then, England has not been able to prevent this from happening when holding Ireland, why continue to enslave the country for such a reason? However, the ladies did not prove the assertion in regard to Irish pro-German sympathies but simply said, "Everybody knows it."

We find that the second speech of the Negative resolves itself into this, "England must hold Ireland because Ireland cannot control herself"—first, not having the characteristics of a state building people and second, being internally divided.

As to the first point, they have told you that the Irish are "dreamy idealists" who live in a "blue haze" and do not get down to earth. In answer to this we would simply point to America, where the majority of our leading statesmen, from Patrick Henry down, have been Irish, where the Irish have been among the leaders in the movement for the expansion of the United States. We ask you, who know the Irish, if they are people who go around day-dreaming, or if they are not among the most energetic, alive and up-and-doing citizens in this country?

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As to the second argument, presented to show that the Irish cannot govern themselves, the ladies have brought up a very delicate question, one which we dislike to discuss as much as they, but also one which we find it necessary to discuss, namely the religious question. In answer to their statements, given without a single authority, that the country is divided, we would like to call your attention to the figures of the election returns, the best indication of the will of the people. These figures are taken from the official document submitted to President Wilson by the Irish Republic, and have been verified by the Committee on Investigation of Affairs in Ireland. The figures show that in 1918, 70 per cent of the elected representatives in the country stood unequivocally for independence, and even in Ulster, which the ladies pointed to as the seat of Unionist activities, over 50 per cent favored independence. Again in 1920, twenty-nine out of the thirty-three county councils favored complete freedom—88 per cent of them.

Ladies and Gentlemen, such a degree of unanimity is greater than that claimed by the American Colonies when they declared their independence. Eighty-eight per cent of the people are for independence, and yet the ladies say that the people are so divided that they must not be given their freedom.

As to the religious question, we would simply ask you to remember that Protestantism is only four hundred years old, whereas the struggle in Ireland has been going on for seven hundred fifty years. How shall we account for the fact that for three hundred fifty years before Martin Luther's time, when Ireland and England were both Catholic, Ireland fought English tyranny as bitterly as she is fighting it now? And how can we say that it is a religious struggle when many of the Irish leaders, including Wolfe Tone, the founder of the Republican Movement, Russell, Robert Emmett and Parnell have been Protestants? I should like to answer this argument by the statement made by the Reverend J. G. Mythen, who spoke for the Protestants in Ireland in June, 1919, saying, "You know, it hurts me as a Protestant to have that infamous slander flung in my teeth, that we Protestants in Ireland are so lacking in the first essential quality that makes a man worthy of the name because a man who is not loyal to his race and country is

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not a man at all. I speak for the average Protestant in Ireland—and I realize my responsibility when I tell you this: infinitely rather would we be governed by Catholic Irishmen than by the best Englishman that England could ever send us.

FIRST NEGATIVE REBUTTAL

Veronica Trimble, California

One of the main contentions of our Opponents was the right of self-determination or the principle of majority rule. But what is your unit in this case? Just as soon as you get beyond the Robinson Crusoe stage of civilization in the interests of society you must, in some measure, give up your rights. Just as soon as there are two persons, each with his own desires, each one must to some extent give up his privileges. Everyone cannot have his will. If you adopt unqualifyingly the principle of self-determination, again, what is your unit? If you are going to determine one-tenth of the people of the British Isles, why cannot you likewise self-determine one-fifth of the inhabitants of Ireland? How far is your majority rule to be carried? The principle leads to an absurdity. We have been asked if we accept liberty only for certain nations under certain conditions. Yes we do, remembering the words of the great lover of liberty, Edmund Burke when he said, "Circumstances give in reality to every political principle its distinguishing color and discriminating effect." Liberty as guaranteed to the thirteen colonies under the Declaration of Independence was splendid, but the situation is far different in the case of Ireland. Can there be any analogy between the breaking away of a colonial dependency, two thousand miles across the ocean, and the breaking away of an integral part of the British Empire, a portion of a geographical chain of islands?

We have been told that we consider the unity of the British more important than the wishes of Ireland. Well, if the principle of majority rule is applicable, are not the interests of forty millions to be considered in preference to the interests of four millions?

Our Opponents have said, "Give Ireland her freedom and the seven hundred fifty year long friction will be removed."

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But it is not as easy as all that. We learn from logic that remove a cause and you do not necessarily remove an effect. A cause creates a condition. You cannot take a long friction such as this, and suddenly break it, break an antagonism implanted for generations.

To again straighten out our geographical position. Our Opponents have asked, "Why cannot an enemy simply cut across the Channel?" Who is across the Channel? France. Surely she, after her recent alliance with Britain in the Great War would not be willing to be used as a harbor for an enemy fleet about to strike at England. And assuming that an enemy could cut across the Channel, the fighting then would be done completely from the sea, and we stated before naval warfare is not successful so much because the fighting is done from the sea, but because a landing is made from the sea; and Ireland would provide such a landing. Our Opponents have likewise said that an enemy fleet could not land in Ireland because the British fleet would be patroling the coast and would not allow it. But we must remember Phillmore's definition of a sovereign state, which independence implies. According to this an independent nation has full power to enter into all international relations with other communities of the globe. Therefore, any "hands off" policy on Britain's part would be a failure to recognize Ireland's existence as a sovereign, independent state.

The Negative based a large part of its case on the British Empire, how Irish independence would be the signal for the breaking up of that empire, how this would mean both political and economic chaos, and would give impetus to the forces of disintegration in other parts of the empire, and all this our Opponents have ignored. This broader, international scope of the question must be considered.

SECOND NEGATIVE REBUTTAL

Grace Dietz, California

Both the Affirmative and Negative are agreed that a change is needed in the Government of Ireland. As to the nature of that change we differ. The Affirmative are demanding secession, the breaking away of Ireland from

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the rest of the British Empire and the setting up of an independent state. The Affirmative asserts that such a change would be beneficial to the South of Ireland. Moreover, contrary to the opinion of such statesmen as Lloyd George, James Bryce, and Arthur Balfour, they consider that England will herself suffer not at all by such a change. As for Ulster, as for the Protestants of the North of Ireland, —they have not considered them important enough to even mention. They have concluded their argument by asserting that to differ with them in regard to the solution of the Irish problem is to be false to the principles of the Declaration of Independence.

May I again remind the audience that we as well as the Affirmative are speaking tonight as friends of Ireland—not as enemies? May I remind them that we as well as our honorable Opponents are seeking simply to find the truth of the matter—that our earnest desire is to be fair to all concerned?

To sum up the argument: Our Opponents have asserted that Ireland has suffered in the past and that a change is needed in her form of government. That a change is needed we readily grant, but—a change may be achieved without a resort to secession; it may be achieved through the plan suggested by the Negative—federation, or—to give it other names—home rule, dominion home rule, i.e., local autonomy—what you will—all these have the same connotation—"Liberty —within the Empire."

We advocate this plan because we believe it will insure the greatest good to the greatest number. By it, Ulster's rights, for she has rights even tho the Affirmative choose to ignore them, will be adequately safeguarded. By it the rights of the quiet, well-to-do people of Ireland who have held apart in disgust and horror from the murderous activities of Sinn Fein, will be respected. By it, great numbers of the common people of Ireland, who have been coerced by Sinn Fein, or have followed because they were shaken by war hysteria, or because they are at all times easily led, by it these will be saved much misery and bloodshed.

But, our Opponents speak of Ireland's national aspirations. Under this plan she would have every chance to achieve her legitimate aspirations. She would lack the name of Freedom,

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to be sure, but—she would have its reality and yet be spared the turmoil and striving that would go with the name.

And what of England? Our Opponents have placed much stress upon a sentimental reference to the Declaration of Independence, have made a high sounding appeal to us to abide by first principles. But we have asked them to cease theorizing, to take their eyes from the ideal however beautiful it may be, and to face the real. We have asked them what their unit of statehood is to be. We have reminded them that expediency, not idealism, rules our world. The South was united, but for the preservation of the North, she would not be released. The Philippines are united but, for the welfare of the United States, they must remain within the control of the United States. For the sake of argument we will grant you that Ireland is united in her demand for independence, but the statesmen of the day believe that for the preservation of the British Empire she must remain within the Empire. The South was a unit, yes, but she was a part of a greater unit; Ireland may be a unit, but if so, she too, is part of a greater unit. We believe that the principle of the greatest good to the greatest number is a good principle to abide by and on its application to the Irish problem the Negative rests its case.

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BIBLIOGRAPHY

INDEPENDENCE FOR IRELAND

Books and Pamphlets

American Commission on Conditions in Ireland. Interim report. 144p. Albert Coyle. Bliss Bldg, Washington, D.C. 1921.

Boston, Mass. Public Library. List of books on modern Ireland in the library of the city of Boston. 90p. 1921.

Cambridge, Mass. Public Library. List of books in the Cambridge public library, on Ireland and the Irish people. The Library. 1920.

Chesterton, G. K. Irish impressions. Lane. 1920.

Creel, George. Ireland's fight for freedom. Harper. 1919.

Dalta, pseud. An Irish commonwealth. 236p. Unwin. 1920.

Dunlop, R., ed. Ireland under the Commonwealth. 2v. Longmans. 1913.

Figgis, Darrell. Economic case for Irish independence. Maunsel and Co. Ltd. Dublin. 1920.

Friends of Irish Freedom. Ireland's declaration of independence and other official documents. 19p. 280 Broadway, New York. 1919.

Friends of Irish Freedom. Irish republic, why: non-official statement prepared for submission to the Peace conference. Laurence Ginnell. 25c. 280 Broadway, New York. 1919.

Gallagher, M. J. Statement dealing with matters which arose out of the visit to the United States of America of the Hon. Eamon de Valera, president of the republic of Ireland. Friends of Irish Freedom. Washington, D.C. 1921.

Geary, J. A. Irish land question: the story of a confiscated country. (no. 13.) 8p. Friends of Irish Freedom. Washington, D.C. May, 1920.

Good, J. W. Irish unionism. (Modern Ireland in the making). Talbot, printers. 1920.

Digitized by Google

Great Britain. Department of Agricultural and Technical Instruction for Ireland. 20:322-4. 1920. Ireland of today from the social and economic standpoints. Dr. Kelly.

Great Britain. [Foreign Office]. Documents relative to the Sinn Fein movement. [Papers by Command. Cd. 1108]. H. M. Stationery Office. 1921.

Hackett, Francis. Ireland: a critical examination. Huebsch. 1916.

Hackett, Francis. Ireland: a study in nationalism. 4th ed. Huebsch. 1920.

Hackett, Francis. Irish republic. pa. *25c. Huebsch 1920.

Hamilton, E. W. Irish rebellion of 1641. $8. Dutton. 1920.

Hannay, J. O. Irishman looks at his world. Doran. 1920.

Henry, R. M. Evolution of Sinn Fein. *$2. Huebsch. 1920.

Hogan, J. Ireland in the European system. v. 1. *$5. Longmans. 1920.

Johnson, Thomas C. Irish tangle and a way out. Gorham. 1920.

Joyce, P. W. Illustrated history of Ireland. *$2.50. Longmans. 1921.

Joyce, P. W. Social history of ancient Ireland. 2d. ed. Longmans. 1914.

Lynch, A. Ireland: vital hour. Winston. 1915.

Lynd, R. Ireland a nation. Dodd. 1919.

McCarthy, M. J. F. Irish trouble: its cause and cure. 16p. Protestant Truth Society, 3 St. Paul's Churchyard, London, E.C. 4. 1919.

MacNeill, John G. S. Constitutional and parliamentary history of Ireland till the union. Stokes. 1918.

MacSwiney, T. Principles of freedom. *$2. Dutton. 1921.

Maloney, William J. M. A. Irelands' plea for freedom. America Press. 1919.

Manifesto of leaders of the intellectual life of Great Britain on Ireland and report of the British labor commission to Ireland. 46p. World Tomorrow, 118 E. 28th St., New York. 1921.

Martin, Hugh. Ireland in insurrection: an Englishman's record of fact. O'Connor. 1921.

Masterman, C. F. G. New liberalism. p. 169-85. Parsons. 1920.

Digitized by Google

Murray, R. Henry. Ireland, 1494-1603, 1603-1714, 1714-1829. 3 parts each in pa. *40c. Macmillan. 1921.

Pickett, L. L. Irish home rule. pa. 30c. Pentecostal Pub. Co. 1920.

Riordan, E. J. Modern Irish trade and industry. Methuen. 1920.

Russell, George William. Economics of Ireland and the policy of the British government. pa. *25c. Huebsch. 1920.

Russell, Ruth. What's the matter with Ireland. *$1.75. Devin-Adair. 1920.

Ryan, William P. Irish labour movement. *$2. Huebsch. 1920.

Smith, Thomas F. American recognition of Irish independence. 7p. 1920. Apply to Congressman.

Spedding, R. F. Call of democracy: a study of the Irish question. 23p. Maunsel and Co. Ltd. Dublin. 1919.

Turner, Edward R. Ireland and England. Century. 1919.

United States. Congress. House. Committee on Foreign Affairs. Irish question. Gov't. Ptg. Co. 1919.

Walsh, J. C. Invincible Irish. $1.50. Devin-Adair. 1919.

White, A. C. Ireland: a study in facts. 27p. Hodder. 1920.

White, J. R. Significance of Sinn Fein: psychological, political and economic. 30p. 1s. Lester. 1919.

Wilson, P. W. Irish case before the court of public opinion. 160p. $1.25. Revell. 1920.

World Almanac, 1920. p. 695. Irish declaration of independence.

PERIODICALS

Atlantic Monthly. 126:383-94. S. '20. Irish realities. C. H. Grasty.

Blackwood's Edinburgh Magazine. 207:420-9, 477-88. Mr.-Ap. '20. Before the union. J. A. Strahan.

Catholic World. 111:503-11. Jl. '20. British imperialism and poison gas. P. G. Smyth.

Catholic World. 113:1-12. Ap. '21. Ireland; a study in origins. B. P. O'Shasnain.

Century. 100:80-5. My. '20. Irishman looks at his world. G. Frank.

Digitized by Google

Contemporary Review. 119:299-309. Mr. '21. Ireland: a plea for conciliation. H. Spender.

Current History Magazine, N. Y. Times. 12:192-203. My. '20. All sides of Ireland's case; historic utterances in Parliament in the home rule debate.

Current History Magazine, N. Y. Times. 12:939-42. S. '20. England's real attitude on Ireland. Viscount Bryce.

Current History Magazine, N. Y. Times. 13, pt. 2:495-7. Mr. '21. Warfare in Ireland.

Current Opinion. 69:467-71. O. '20. What Ireland would be like as a Sinn Fein republic. F. Dilnot.

Current Opinion. 69:783-4. D. '20. Tragedy of Ireland. J. H. Edwards.

Edinburgh Review. 233:164-77. Ja. '21. Beginnings of Irish history. S. Gwynn.

Edinburgh Review. 233:178-95. Ja. '21. Irish unrest reviewed. P. H. Bagenal.

Edinburgh Review. 233:196-208. Ja. '21. Ireland the enemy. H. Cox.

English Review. 31:65-71. Jl. '20. Ireland and empire. A. Lynch.

English Review. 31:355-60. O. '20. Mystery of Ireland. Judex.

Fortnightly Review. 112:943-54. D. '19. Government's opportunity in Ireland. Hibernicus.

Harper's Monthly Magazine. 142:409-18. Mr. '21. Anarchy in Ireland. P. Gibbs.

Harvard Graduates' Magazine. 28:409-18. Mr. '20. One reason for the Irish problem. N. J. O'Conor.

Independent. 104:323-4. D. 4, '20. When green and orange mix. C. A. McCurdy.

Literary Digest. 68:18-19. F. 5, '21. Labor's indictment of Britain's Irish policy.

Living Age. 305:145-50. Ap. 17, '20. Irish situation. H. Plunkett.

Living Age. 306:261-5, 320-4, 400-3, 451-5. Jl. 31,-Ag. 21, '20. Neutral view of Ireland.

Living Age. 307:382-9. N. 13, '20. Three views of Ireland.

Living Age. 308:688-94, 760-6. Mr. 19-26, '21. Sinn Fein psychology.

Digitized by Google

Mentor. 9:22-8. Ap. '21. What Ireland is, and wants. J. J. Walsh.

Mentor. 9:29-30. Ap. '21. What next, as Shaw sees it.

Nation. 109:751-2. D. 13, '19. Reconciliable Ireland. E. A. Boyd.

Nation. 112:131-60. Ja. 26, '21. Report of the British labor commission to Ireland.

Nation. 112:373-4. Mr. 9, '21. Irish and American independence. L. Colcord.

Nation. 112:538-9. Ap. 13, '21. Irish and American independence; reply to L. Colcord, with rejoinder. C. M. Andrews.

Nation (Lond). 26:260-1. N. 22, '19. In occupied Ireland. H. N. Brailsford.

Nation (Lond). 26:440-1. D. 27, '19. How we govern Ireland.

Nation (Lond). 27:241-2. My. 22, '20. Two steps to an Irish peace.

Nation (Lond). 27:466-8. Jl. 10, '20. Discovery of Ireland. F. Morley.

Nation (Lond). 27:684-5. S. 4, '20. End of our government of Ireland.

Nation (Lond). 28:469-70. Ja. 1, '21. Character of the Irish terror.

Nation (Lond). 28:525-32. Ja. 8, '21. Tragedy of errors. J. L. Hammond.

Nation (Lond). 28:625-7. F. 5, '21. Our foreign critics.

Nation (Lond). 28:688-9. F. 19, '21. Only way to an Irish peace.

Nation (Lond). 28:807-8. Mr. 12, '21. What it looks like in Ireland.

Nation (Lond). 29:185-92. Ap. 30, '21. Terror in action. J. L. Hammond.

New Europe. 15:92-4. My. 6, '20. Irish question in American politics. A. F. Whyte.

New Europe. 17:26-40. O. 14, '20. Irish crisis. Basil Williams and Henry O'Neill.

New Republic. 21:181-5. Ja. 14, '20. What about Ireland?

New Republic. 25:124-5. D. 29, '20. Good name of Britain.

New Republic. 26:6-8. Mr. 2, '21. Does Ireland matter?

Digitized by Google

New Statesman. 14:277-8. D. 6, '19. What's wrong with Ireland? Chesterton's Irish impressions. R. Lynd.

New Statesman. 14:484-6. Ja. 31, '20. What is self-determination?

New Statesman. 15:32-3. Ap. 17, '20. Ireland must have a republic if she wants it.

19th Century. 88:319-32. Ag. '20. Irish malady. T. W. Rolleston.

19th Century. 89:566-73. Ap. '21. Ireland and the world's peace. Northcliffe.

19th Century. 89:574-86. Ap. '21. Ireland and the realm. R. Evans.

Outlook. 124:752-3. Ap. 28, '20. Irish question from an English liberal's point of view. P. W. Wilson.

Outlook. 125:495-6. Jl. 14, '20. Ireland and England; reply to Ireland by an American in England. J. D. Hackett.

Outlook. 127:544-7. Ap. 6, '21. Turbulent isle. H. E. Scarborough.

Review of Reviews. 62:97-8. Jl. '20. For and against an Irish republic.

Round Table. 10:368-80. Mr. '20. Irish problem once more.

Spectator. 124:132-3. Ja. 31, '20. If reason ruled.

Spectator. 124:510-11. Ap. 17, '20. Canada and Ireland: a parallel.

Spectator. 125:293-4. S. 4, '20. Irish problem.

Spectator. 125:525-6. O. 23, '20. Three features of the Irish problem.

Spectator. 125:771-2. D. 11, '20. Independent Liberal party and the Irish question.

Spectator. 125:841-2. D. 25, '20. Roman church and the Irish imbroglio.

Spectator. 126:70-1. Ja. 15, '21. Enemies of liberty.

Spectator. 126:129-31. Ja. 29, '21. What it may come to in Ireland.

Unpartizan Review. 14:372-9. O. '20. England, Ireland and Ulster. S. Went.

Weekly Review. 4:76-7. Ja. 26, '21. End of a year in Ireland. S. Gwynn.

Weekly Review. 4:242-3. Mr. 16, '21. Peace and war in Ireland. S. Gwynn.

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